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THE AMERICAN SECRET

BY THOMAS T. READ

I

COLUMBUS discovered America, but the United States as an economic entity has been discovered by Europe since the World War. Not only the production of war material and the loans and gifts made to Europe after the Armistice, but above all the quick economic recovery made here after the war, created a profound impression on the older continent. Two things happened as a result. The first was the widespread conviction that the loans made in and after the war should be regarded as gifts, and the second was a widespread interest in ascertaining how it came about that we could spend enormous sums on the war and still remain prosperous. What was the secret of our workmen being steadily employed at a daily rate about equal to the weekly wage of European workmen?

So, in the past few years, delegation after delegation has come over from Europe, employers, workmen, investigators of all sorts, to study us and return to write books about what they saw, or thought they saw, here. The curious thing is that practically none of them indicate that they attained any real understanding of the fundamentals of our economic organization.

But perhaps it is not curious after all, for the most tyrannous thing in the world is a point of view, and an attempt to describe us from the European point of view is almost certain to produce a result similar to that of the blind men of the poem who attempted a description of an elephant. Also, it is quite probable that we do not clearly understand ourselves, on the average, in spite of our reputation for being the most introspective of peoples. What I shall have to say here strikes at the root of the American system.

Human well-being largely consists of having material things and the leisure to enjoy them. Cant immediately interpolates that it is better to be spiritually rich and materially poor than to be spiritually poor and materially rich — a truism that generally correlates the fallacy that being materially rich tends to spiritual poverty, or, conversely, that spiritual richness is promoted by material poverty. Probably this false reasoning has its origin in the circumstance that Jesus was a poor man, for few are intelligent enough to observe that the character of Jesus would have been equally consistent with the possession of wealth. The well-known conversation with the

rich young man was intended to convey a point of view to the latter and not to assert the necessity for poverty as prerequisite for spiritual salvation.

Now the only way to have material things is to do work. The nomad hunter who wishes to spend the night in comfort must work to construct a bed and a shelter, and, by the same token, I am at this present moment enjoying a vast amount of work that someone else has done for me. The roof that shelters me from the rain, the steam that keeps me warm, the electricity and the reading lamp at just the right angle over my shoulder, the comfortable chair, the writing tablet, and the pencil that needs no sharpening, are all the results of intelligent, well-directed work. I can have them, not because I have money, for I have none beyond my pay check, but because I have been able to trade my own work for the results of other people's work.

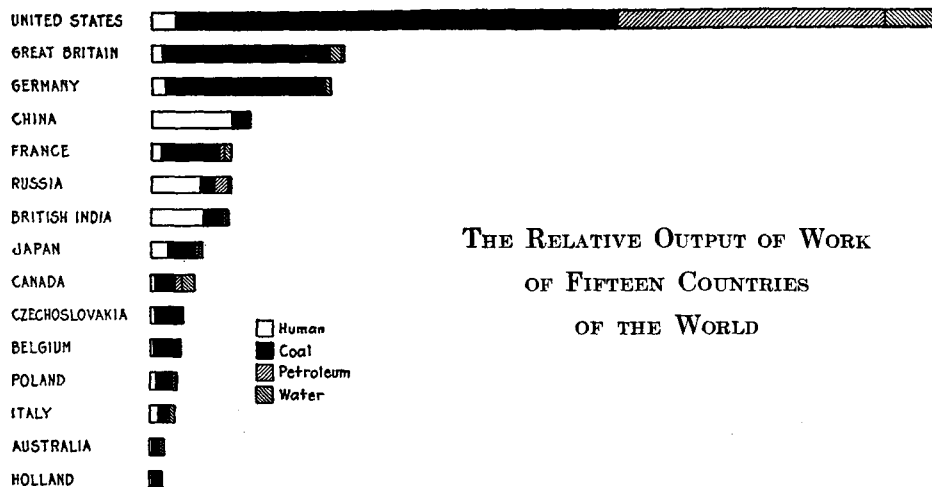
The European analysis of this situation concerns itself with the technique of trading the least amount of my work for the greatest possible amount of other people's work — an essentially individual solution, or, I might say, an uncivilized solution. Herbert Spencer has explained at length how the greatest individual benefit is attained through striving for the general good, but the Socialist group and the Menckenites have generally succeeded in obscuring the truth of this general principle, with the paradoxical result that the only really intelligent Socialists in the world are 'capitalistic' employers. This 'bourgeois' group has been able to make a much more civilized and accurate analysis, which is as follows.

Admitting that the things everybody wants are the result of work, how can we get the most results from the least work? There are three evident things to do. The first is to direct work so

that it does away with the necessity for repeated work, like piping water into the house instead of continually carrying it from a spring. The second is to analyze work and its products so as to eliminate everything that does not aid in attaining the desired result. Motion study is the example of this that will be easiest understood, but nearly all research falls into this group, whether it concerns the hardening of steel to permit giving the tool a sharper edge so that it will cut more with less work, or the making of artificial silk to eliminate the necessity for tending silkworms. The third thing is the multiplying of work, which began when the first man hitched an animal to the crooked stick with which he was breaking the soil and has attained the stage of hitching Niagara to the needs of the average man; and the end is not yet.

The third is by far the most important, things being as they are, for all human experience indicates that a man cannot do enough work in a year to afford him much comfort, unless he is able to multiply his work in this way. The great countries like China and India, where work is not multiplied, are countries where humankind, on the average, lives on the lowest plane of well-being. This is not for lack of intelligence, for the Japanese have shown how an Oriental people can, when it accepts the Western point of view, attain results that are comparable with ours.

Let me repeat here that I refuse to be led aside into any discussion as to whether the religious preoccupation of the Oriental is not more important to the human soul than attention to material things. I have had considerable first-hand contact with Oriental religion and I cannot see that it produces less crime and more happiness than the tenets of Rotary clubs, nor is it clear



to me why meditating on the infinite while sitting in rags on the ground should yield any clearer spiritual insight than doing so while sitting in a comfortable limousine. This discussion is limited to the physical well-being that comes from material things; spiritual well-being is another subject that demands another method of approach.

II

Before going any further, let us consider the relative amounts of horsepower generated by men from the food they eat, by machines from coal and petroleum, and from water power in the principal countries of the world. The accompanying chart reveals the significant fact that, although we ordinarily think of China as a country having nearly four times as many people as there are in the United States, the United States has the equivalent of many times the number of effective workers that there are in China. In short, the United States may be thought of as a country in which the work done is equivalent to the work that could be done by ten times as many people as there are in China, or almost forty times as many people as there are in

the United States. Every person in the United States has thirty-five invisible slaves working for him, and the most significant thing is that these thirty-five slaves do not consume anything, so that all the product is available for the 'boss.' The American workman is not a 'wage slave,' but a boss of a considerable force, whether he realizes it or not.

The comparative output of work per person in the various countries of the world is as follows: —

China.....	1
British India.....	1½
Russia.....	2½
Italy.....	2¾
Japan.....	3½
Poland.....	6
Holland.....	7
France.....	8¼
Australia.....	8½
Czechoslovakia.....	9½
Germany.....	12
Belgium.....	16
Great Britain.....	18
Canada.....	20
United States.....	30

The result of this is that, although the average wage is high, the average *cost* of work in this country is low. A blacksmith works eight hours a day at the rate of one-tenth horsepower, and is paid ten dollars for it. Two pounds

of coal, costing less than one cent, will do the mechanical equivalent of the blacksmith's work. Hence one blacksmith, at ten dollars, aided by eighteen pounds of coal, at ten cents, will do as much work, at half the cost, as ten blacksmiths at two dollars per day each. Since most of the work is done very cheaply by mechanical means, we can pay high wages and still get work done at less cost than any other country in the world.

Their relative yearly output of work seems, therefore, a sufficient explanation why people in the United States have so much more in the way of comfort and convenience than the people of any other part of the world have, on the average. The per capita output of work in this country is so much larger than the output of work in any other country that the consequent divisible wealth per capita is very much greater.

Not long ago, in talking to an English visitor about living conditions in coal-mining towns, I pointed out to him that good roads and the multiplicity of automobiles had made it unnecessary to build towns for the miners when opening a new coal mine, in many instances, because the miners are able to come to the mine in their automobiles from existing towns and return home in the evening after their day's work is over. My English visitor remarked, with a dry smile, that the English coal miner would never be able to come to his work in an automobile. I refrained from asking him why, since I suspected he did not know the right answer: namely, that the average daily production of an American coal miner is approximately three and one half times as much coal per man as the English coal miner produces. Out of the value of the product of his day's work the American coal miner gets enough to enable him to have an automobile. The value of the product of an English

coal miner's day of work is not great enough so that he can get more than a meagre living out of it. C. F. Kettering tells me that the automobile output per day of American workmen is ten times as great as that of European workmen, which is the same as saying that a European workman has to work ten times as long as an American to get an automobile.

III

This leads up to three more questions, the first of which is whether most of the countries in the world have enough in the way of natural resources so that their inhabitants, with a sufficient output of work, can make a good living out of them. The answer to this question is probably 'Yes.' The countries which do not have coal are probably the most handicapped; but, in the present development of society, transportation is so generally available that it is possible to get coal in exchange for something else. Argentina is a first-class Power with practically no coal supply, but it imports coal, both from England and from the United States, sufficient to meet its present needs, and the price of coal laid down at Buenos Aires is not excessive, because ocean freight rates are low compared with railroad freight rates. Japan is the best example of a country that has a very meagre endowment in the way of natural resources, and yet it has advanced from a country as economically poor as China into the position of one of the first ranking Powers within the memory of people still living. It is evident that, with its limited supply of power minerals, Japan should, as it does, direct itself toward the production of articles of relatively high value, the production of which calls for skill rather than mechanical energy. Where the supply of mechanical energy

is scant the obvious thing to do is to use mental energy as much as possible.

The second question is, how can the countries that now have a relatively small output of work increase their output and thereby increase their capacity to produce and consume? What they need to do is to advance in the same general direction as the countries that have succeeded in multiplying their output of work. Contrary to the opinion of the old Pennsylvania farmer who refused to let his sons go to school because he didn't want them to 'earn their living a-settin',' what such countries need is more people who are able to make their living 'a-settin'.' Much has been said about the unemployment situation in England, and many people seem to think that it is somehow the fault of the worker that he is unemployed. It seems clear, on the other hand, that the real difficulty is that there is not enough profitable employment available for him, and that is because no more capable brain than his has devised a way whereby, when capital and his labor are jointly employed in the production of something useful, the value of the product is enough to furnish an adequate return to both. Going back to our agricultural simile, much the same situation would exist if there were not enough food produced by the primitive farmer to keep his ox in good condition. The ox is not to blame, because if the work is properly directed enough of a crop results to support both the ox and the farmer.

It seems clear that the only possible cure for the unemployment situation in Europe is through business men finding a way to provide employment and to manage the work with sufficient skill so that there is enough product to provide a good living for both the worker and his employer. This remedy, of course, presupposes that the European

laboring man will be found willing to abandon his extraordinary delusion that there is a limited amount of work to be done in the country and that by limiting individual output of work he is providing work for others. Nothing, of course, could be further from the truth; there is no known limit to the amount of work that can be done in any country of the world. By deliberately limiting the work he does in a day the worker is making it impossible to produce enough so that there will be sufficient for a good living for himself and an adequate return on the capital employed in their joint enterprise. If the ox on the farm resolved to work the minimum possible amount, the result would be a crop failure, and both the ox and the farmer would suffer. In the old Hebrew story of the creation of man, God is represented as saying to Adam, 'In the sweat of thy face shalt thou eat bread.' Many centuries passed before man learned how to multiply the output of work by mechanical means and increase the supply, not only of bread, but of butter and sugar as well, without having to sweat more.

But even if the countries that now have a relatively small output of work seek to increase their output, can they ever hope to approach to the productivity that prevails in our own United States? No one can say with perfect certainty of being right, but Japan has demonstrated to us that a people of much ability can make a satisfactory showing of productive work with quite limited natural resources. The Australian native and our own American Indian demonstrate, on the other hand, how little use people of little ability make of natural resources. My own belief is that in many countries of the world the low intelligence level of the people constitutes more of a barrier to increase of productive work than scantiness of resources.

IV

The third, and final, question is, what good does it do us? Such a question savors of the drawing of the red herring of smart talk across the trail of intelligent reasoning. With one who seriously questions whether I am any better off than my grandfather, though my house has three bathrooms and his had none, discussion is as futile as it is between a Christian Scientist and a Rockefeller Foundation doctor — the points of view on the accepted things of life are too far apart. But there are some things which are matters of proven fact, not of opinion. The life insurance companies and other social agencies have accurate statistics which show that the average length of life in this country has increased forty per cent in the last half century. In the past twenty years the infant mortality rate has been cut sixty per cent. The death rate from tuberculosis is now less than one half as high as it was in 1900. The State of New York hopes to eliminate diphtheria entirely by 1930. The scientific research and its application that have made this possible are a direct product of our abundance of work.

The capital which has been poured into the building of school buildings, from kindergartens to universities, and the number of people who devote their whole working time to the teaching of others are also a direct expression of abundance of work. Under social conditions where people have to work hard for a meagre living no one has the time or facilities for research, and people do not have the means to pay for teaching. The estimated value (1924) of the schools in New York State alone was \$467,700,000 and the yearly cost of maintenance was \$250,000,000. The absence of schools in Labrador until outside agencies provided them was a direct result of the meagre living that the people of the region were able to make. The grandchildren of a Finlander who trailed reindeer over the snow are able to acquire their education in a \$4,000,000 high school in a mining town in Minnesota, equipped with electric stoves to do their cooking lessons on and with everything else in proportion. What magic has provided for the grandchildren so much more than was available to the grandfather? No magic whatever, but work — work done by mechanical energy, multiplying the useful efforts of man.

THE BREAK-UP OF PROTESTANTISM

BY HERBERT PARRISH

INSTITUTIONS die hard. Especially religious institutions. They take a long time about it. Generations and centuries. The nostalgia of religious habits. The endowments and vested interests. Paganism and the mysteries lingered long in the Empire even after Constantine. It is doubtful if they ever did die entirely. Syncretism kept them alive even in the Church itself. Perhaps nothing really dies. Religious values at least assert the prerogative of immortality. They modify and affect the movements that absorb them.

But Protestantism *as an organized religious force* is moribund and shows signs of rapid disintegration.

This does not mean that the millions of Methodists, Baptists, Congregationalists, Presbyterians, and the two hundred other Protestant sects will come cringing and bowing down to the coped and mitred hierarchy, kissing the amethyst rings of bishops and cardinals, repentant prodigals begging for instruction and reception. Not at all. We are still too near the ages of persecution, the rack and thumbscrew, the Inquisition, Foxe's *Book of Martyrs*, *Westward Ho!* and the religious wars to feel confidence in that direction. Anti-Roman prejudice is in the blood. A race inheritance. Protestantism will still protest.

Moreover the educated, the critically intellectual multitudes, — a rapidly increasing number, — show no disposition to submit to religious autocracy. If they have conceived of the Bible as a broken reed or a quagmire,

there is no reason to think that they will turn to ecclesiastics swathed in the traditions of dead centuries for guidance to the high places of eternity. They share with the rabble a fixed antipathy to the graded hierarchy, the elaborate ceremonies, plaster images, meretricious decoration of churches, superstitions and fetishism, local Heavens and literal Hells, meticulous doctrines and obsolete philosophies, celibacy and monachism, the assumption of a superior and esoteric knowledge, the tendency to political domination, the assertion of a defined and certain finality in the possession of truth.

A disintegrated Protestantism will no more return to Rome than the troubled democracy of the day will return to the frozen archaism of the feudal system. If Protestantism as an organized religious force is dying in the twentieth century, by the same tokens of broken authority Rome died in the sixteenth.

Autocratic authority in religion is everywhere giving ground.

I

The famous historian, Bishop Stubbs of Oxford, who married his cook, used to advise his students to avoid generalization and idealization. It is good advice for the incipient historian. The Bishop's books are dull reading, but they are eminently sound. It is temerarious to draw very definite conclusions about wide popular movements, and above all

to make prophecies. But many able observers of the present condition of the religious world are persuaded that we are in the midst of a religious revolution. There is reason to believe that the historians of a hundred years from now will pronounce the present decade the crest of a movement more significant and portentous than the Reformation itself.

The Reformation, considered as a religious revolution, took its rise in the social and political consequences of the discoveries of the fifteenth century, the fall of Constantinople, the Renaissance, the rise of nations, the growth of commerce. The break from Rome in the sixteenth century was its crisis. For two centuries the religious settlements of that period stood secure. But about a hundred years ago, before the middle of the nineteenth century, new movements were set afoot which were destined to bring about a still greater crisis. With this crisis we are now face to face. As the authority of Rome was shattered in those nations which followed the trend of thought at the Reformation, so the Reformation settlements now find their authority shattered by the logical consequences of the position they then took.

If Rome appears to be little affected by the movements of the day, that is because the genius of Rome has never been expressed in intellectual leadership, but, by settled policy and highly developed organization, in deliberate conservatism. She has assimilated movements, not started them. Ministering as she does to the masses of uneducated and simple people, such a position is both reasonable and necessary. For there is nothing so unsettling to the stability of religious authority, and hence to morals, as a new idea. Rome kept on the Index Expurgatorius until 1829 every book that said the world was round. The

theologians all knew better, but why disturb the masses? Are not the stars the eyes of the angels looking down from Heaven? And what difference does it make to the man with the hoe if they are not? Let girls in Spanish convents continue thus to regard the stars — and be good.

But Protestantism, which was the progressive party of the Catholic Church in the sixteenth century, with a sense of the unity of all truth and a passionate and even stupid literalism, must go on to complete the programme it then began. Having broken fearlessly with any authority that conflicted with its conscientious conception of truth, it is logically forced to continue the process. It must complete its work. No antique *hocus-pocus*, no prescriptive documentation, no hallowed tradition, may hold it back from the truth and freedom. Hitching its wagon to Betelgeuse, of which it knows the size and chemical constituents, Protestantism now determines to make a clean sweep of all the remnants of tyranny and obscurantism that have still bound it back from freedom. It proposes a twentieth-century revolution. At least it finds itself in the midst of one.

And it is greatly to be wished that, in the process of housecleaning, Protestantism shall sweep out into the dust heap of time its own superstitions and hypocrisies, its petty partisanship and false loyalties, its narrow nationalisms and racial peculiarities, its sentimental cant, its vapid prayer meetings, its redundant and verbose liturgies, its stodgy services, its preposterous confessions of faith, its bigotry and prejudices, its padded and fictitious martyrologies, its smug self-satisfactions, its holier-than-thou pose, its lay popes, its fond and fanatical trust in secular legislation, its bitter intolerance, its suspicious and terrible emotionalisms, its assumption that mere negation

constitutes salvation, and the thousand and one other Pecksniffian attributes that in its name have so often brought all religion into contempt among sensible people. Let the good work be thoroughly done this time, and not stopped by any premature armistice.

II

That the revolution is well under way cannot be doubted. It had become apparent as early as the middle of the last century that the foundations upon which Protestantism rested — the Bible and the various Reformation settlements — were insecure. Dr. Ewer, in his *Failure of Protestantism*, pointed out the fallacy that the Bible, the books of which were selected by the authority of the Church, could properly supplant that authority. Logically the Bible was an instrument, not a foundation for the Church. There was a Church, with its creed, sacraments, and ministry, before the books of the New Testament were written, and centuries before the canon of Scripture was determined. Chillingworth's dictum, 'The Bible and the Bible only is the religion of Protestants,' became an illogical absurdity. Ewer followed the Oxford Tractarians and the Anglican tradition.

But it remained for the German higher critics to reduce the stronghold of a superstitious reverence for the printed word. Protestantism, which had substituted a printed book for a living pope, was aghast. But its passion for truth has compelled it to admit the facts. Although the clamor of the war between the Fundamentalists and so-called Modernists still continues, it is evident to every scholarly observer that Fundamentalism is a lost cause.

As the cracks in the foundation appeared and their significance began to be grasped, Protestant enthusiasm

weakened. The first evidence of this was in Sunday-school attendance. Up to the eighties the statistical curve had shown a steady increase. In the late eighties it began steadily to decline. It has fallen rapidly ever since. The latest report indicates that there are now over twenty-seven millions of American children, nominally Protestant, not enrolled in any Sunday school. And quite reasonably. The Protestant Sunday school has no systematized religion to teach. With the old Reformation catechisms and confessions gone increasingly out of use, and nothing but the Bible left as a book of instruction, the teachers — generally untrained and incompetent as teachers of anything — had depended for interest upon making little children learn the lists of the kings of Israel and Judah, the names of the bugs on the Plain of Esdraelon, who was Moses' uncle, how long was the bed of Og, the king of Bashan, and the missionary journeys of the Apostle Paul. Some elaborate books, like 'The Christian Nurture Series,' were indeed devised to meet the condition, but as these insisted on treating infants as though they were small philosophers, they were ineffective. The Sunday school, now called the church school, has become the despair or the joke of the Protestant ministry almost everywhere. The attendance of both teachers and pupils is generally small and irregular. Few ministers are able to keep up any system of devotion, spiritual value, or inspiration among the young. Nor has the week-day school of religion yet met the case. Parents, persuaded that the Bible as a document of scientific and historical facts is under fire, are no longer insistent upon sending their already weary children to such dull exercises.

The Roman Catholics, on the other hand, with daily religious instruction in their schools, using the clear-cut,

definite, and positive teaching of the Baltimore catechism, with its system of doctrine, discipline, and worship, with daily attendance at Mass, continued the authoritative teaching in which the Church and not the Bible was the final court of appeal. The result is patent. Ask any Roman Catholic child a fundamental question about his religion and you get a categorical answer. You may not agree with the answer, but it is an answer. Ask, on the other hand, almost any Protestant child a similar question — well, just try it and see for yourself. Our Protestant grandparents had at least some definite religion as children. The present generation has none.

Combined with the critical attitude of the age is the general laxity which always comes with financial success. 'When the Puritans made their fortunes,' said James Russell Lowell, 'they lost their religion.' Add the dazzling and wonderful strides of scientific discovery, the golf course, the automobile, and finally the radio, with comfortable sermons by famous preachers on Sunday for those disposed to listen, and you have some at least of the chief causes of a decline in church attendance. Life is speeded up. People are tired on Sunday. The fashion of going to church is falling off.

III

For the past twenty years desperate efforts have been made by Protestant leaders to keep up the failing enthusiasm for church organization. All kinds of leagues and conferences, sometimes with excellent, if temporary, results, were started. The Men and Religion Forward Movement, the Men's Missionary Movement, Young People's Movements, revivals of all kinds, swept the country. Finally Billy Sunday — a genius for the stirring of religious

emotionalism — galvanized for his brief day the churches into a semblance of vitality. Every adult reader will remember these struggles to sustain the slipping structure. It was one hope, not so fully recognized during the war, that the Y. M. C. A. would perhaps take over the whole work of the Protestant churches and rehabilitate it. But, in spite of the millions of dollars in hand, it became evident that the men in the ranks did not feel that the combination of vaudeville and sermon which the 'Y' proposed to substitute for religion would do. The plan, if it was ever formulated, was given up.

Experts in the guise of secretaries were called in. After the war great sums of money were raised, or promised, in all the divisions of the Protestant world. Great missionary enterprises were planned. It was assumed that if interest in foreign missions could be aroused the interest in the old home church would be sustained. But within five years the churches were as much in debt as ever. The Inter-Church Federation, with very able men in its offices, studied the problem, and is even yet endeavoring to uphold the tottering steeples. Dr. Cadman preaches eloquently over the radio from the Bedford Branch of the Brooklyn Y. M. C. A. on Sunday afternoons with the same object, in a spirit of broad tolerance — one of the best things that Protestantism can do to foster liberal piety.

But the thing that has kept Protestantism alive as an organized force during recent years has undoubtedly been the Prohibition movement. For years the temperance societies, the W.C.T.U., and the Anti-Saloon League have kept total abstinence and the desire for legislative action against the Demon Rum as a rallying point for the organized activity of the Protestant churches. The recent revelations before the Senate investigating committee

have shown the enormous sums of money collected by these agencies from the churches for use in this campaign. Billy Sunday always made it a chief article in his creed. ('Hell has frozen over,' he declared when the Eighteenth Amendment was passed.) Other skilled and highly paid workers were employed to carry on. Methods not always scrupulous, but justified in the eyes of enthusiastic 'dry' Protestants on the ground that the end justified the means, — a theory that Protestants formerly strongly condemned in Jesuit practice, — were used in every state in the Union to ensure the success of this crusade. For years Prohibition formed the chief subject of Protestant preaching. It is probably no exaggeration to say that nearly every pastor of certain denominations either made it the theme of his Sunday sermon or at least referred to it strongly in his discourse, making it practically a *sine qua non* in religion.

It does not seem to have occurred to many that the Bible as an authoritative book in reality suffered more from the emphasis upon Prohibition than it had suffered from all the critical literature ever written by German or other critics. The critics had merely shown up the facts of historicity. They had allowed the moral and spiritual values to stand on their own intrinsic merits. But in advocating Prohibition the Protestant clergy were compelled to criticize the very morality of the Gospel. The marriage at Cana, where Jesus turned the water into wine, when men had 'well drunk,' became reprehensible. The advice to Timothy 'to use a little wine' was given in ignorance. The very matter of the sacrament of the Lord's Supper was regarded as intrinsically evil. Unfermented grape juice was generally substituted. The Pauline discourses about the provocative character of negative legislation were always passed

over. It was even proposed to get out an edition of the Bible with all the passages that referred to wine deleted. In short, the Bible in the house of its friends became a dangerous book. Many parts of it could not possibly be read in Protestant churches. They would contradict the sermon.

But now that the methods by which Prohibition was put over have been exposed, — its failure to freeze up Hell everywhere becoming apparent, the evils of it constantly more pressing, — reaction has set in. Division on the subject even in the ranks of the pastors will follow. Already the Lutherans have come out strongly against it. Episcopalians in increasing numbers refuse to praise its works. Conventions, synods, and assemblies are less unanimous in voting resolutions supporting the law. Prohibition as a religious rallying point will fail. In reality it is not a religious issue. Temperance, yes; but not Prohibition.

IV

Fissiparism is the evil genius of Protestantism. Indeed the theory of private judgment suggests that its ultimate and logical trend is toward sheer individualism. Certain it is that the efforts which have been made to draw the Protestant sects together, to economize expense, to prevent duplication of labor, to establish some sort of comity, to realize any degree of unity in organization, — such as the Edinburgh Conference, the Inter-Church Federation, the World Conference on Faith and Order, — have made no real progress in the elimination of the sectarian spirit. On the contrary. It is certain that at the present time there is less hope of church unity than there was twenty years ago. Some leaders even feel that division is an advantage and makes for progress in religious

thought. Some look upon sectarianism as one would look upon the distinctions of family life. The nostalgia of accustomed habits holds them. They feel a suspicion of other forms of devotion.

The proposal to hold a World Conference on Faith and Order, originating in Anglican circles, lent some hope for a time that spiritual unity, if not corporate unity, could be attained. The commissions and secretariats responsible for this undertaking, however, have put off the actual conference from year to year on the plea that premature corporate unity would have worse results than the present condition. They have urged a general study of the causes of separation in small local conferences, questions of sacraments and episcopacy, and creeds and episcopacy, and the validity of orders and episcopacy, and liturgies and episcopacy, and church polity and episcopacy, and episcopacy, until the idea has gone abroad that the astute Anglican bishops who are behind the movement are in reality merely carrying on a campaign of education of the nonconformist ministry in the hope of persuading Protestantism to make a little pilgrimage to Canterbury or to go a few parasangs on the road to Rome. Bishops, whether Anglican, Oriental, or Roman, are monarchs who desire not to abdicate.

There is, then, no hope of unity among Protestants. That idea must be quite definitely laid aside. The cut-throat methods of rivalry, of over-churching, will continue. Every little group in every new community, obsessed by some racial or social inferiority complex, will insist upon having an ecclesiastical background upon which to display itself. Our small towns will continue to be dotted with buildings called churches, more suitable for garages than for *teocallis*, without dignity, without beauty either inside or

out, their few members struggling to keep the sheriff from closing the doors on account of the unpaid coal bill, and starving the very soul out of the poor wretch of a pastor who presides in the pulpit on Sundays. The only persons benefited by the system are the secretaries, bishops, presiding elders, archdeacons, missionary boards, and other paid remote functionaries who thrive on division and justify their salaries by the published records of new enterprises.

The divisions that exist even inside the same denomination are equally deep. Anglicanism itself, which for many years looked upon itself as the *via media*, a possible rallying point for both Catholic and Protestant, is becoming little less than a line of cleavage. Two parties, Catholic and Protestant, threaten to tear the communion asunder. Among the sects the Fundamentalists and Modernists have so divided the groups that it is not too much to say that scarcely any two churches of the same denomination teach the same religion. And the rivalry that exists between two churches of different denominations is as naught compared with the rivalry that exists between two churches of the same denomination in the same town. At bottom there is the economic factor. A pastor cannot afford to let one sheep escape. It will affect the budget. The actual beliefs of the man in the pew become matters of comparative indifference — so long as he remains in the pew. If he goes to another church, he is a heretic.

It is not an evidence of disintegration or revolution that there are now over fifty-eight millions of Americans, nominally Protestant, not enrolled as members of any church, or that only one third of those so enrolled attend churches with any regularity or contribute to the support of churches. Careful surveys show this to be the

case. But conditions were worse a hundred years ago. The percentage of those attending churches, where it was not compulsory, in Colonial days was smaller. That would not mean that the organization is necessarily breaking up. Religion comes in waves. It is emotional. Given a great cause or a spiritual access, the churches might be filled to-morrow. Even Roman Catholics have their 'paschal lambs,' those who come only for their Easter duties. A revival of religious enthusiasm might sweep the country any day.

But it is significant of a decided change that in very many churches the old type of devotion, the solemnity of religious worship, the serious and long sermon, have passed away. The pastors, even when fine orators, men of ability and magnetic force and learning, are put to it more and more to fill their auditoriums. There is a general tendency to resort to popular lectures, moving pictures, Rotarian methods, church suppers, wild advertising, a studied display of the 'glad hand,' follow-up letters, a paid official to detect the arrival of any newcomer to town and sign him up, programmes of sensational sermon courses, cartoonists, whistlers, comedians, enormous signs on the church porch, dwarfs, Indians, Negro Jubilee singers, freaks of all sorts, free ginger ale, services conducted exclusively by children, and a thousand other Chautauqua devices, in the hope of drawing a crowd — a crowd that pays nothing.

The fact is that the old feeling of an obligation to attend service on the part of the laity has almost vanished from the earth. The members of churches feel no obligation whatever. They go or stay away as they like. They also pay what they like. The average Protestant church is like a club in which there are no conditions of membership, no dues, no responsibilities. It has become a

purely voluntary association of individuals who determine for themselves the articles of their belief, and whose motive for church attendance is not much higher in many instances than their motive for attending a theatre, a popular lecture, a concert, or a motion picture. Recognition of authority or religious obligation has almost disappeared. Pressure of any sort to compel such recognition would instantly be resented and usually result in withdrawal from the church.

Under these circumstances what likelihood is there that organization can long continue to exist?

V

But the actual force that is disrupting Protestantism is the force of money. As in all revolutionary movements, the economic factor is the final cause. Almost any organization can withstand attacks from without and weakness within so long as the purse strings are in the hands of the leaders. The natural leaders of the Protestant churches are the ministers. But the money of most of these churches is controlled by laymen. In those churches where the controlling laymen are quasi-ecclesiastics — deacons, elders, men of prayer — conditions are less bad than in those where the laymen have no spiritual status. But generally speaking the control of the finances is in the wrong hands. If the ministers who do the preaching and thereby raise the money also had the spending of it, the organizations would hold out long against time and storm.

This is an idea very foreign, however, to the Protestant mind. Most Protestants, speaking religiously, regard the idea of handling filthy lucre as something improper for a spiritual man. They think of the saying in the Book of Acts about the serving of tables, but

forget that other passage about laying the money derived from the sale of their lands at the apostles' feet. Historically it is clear that down to the time of the Reformation the clergy always controlled the affairs of the Church. And the Church grew rich — some say too rich. In the Roman Church it is the clergy who handle the money yet, and there is no business in the world so well handled.

Now the minister is responsible for the financial success of every church. Even if he happens to be backed by some millionaire, he has attracted the millionaire. If money does not come in as the result of his preaching and work, he is a failure. But it is the lay board, the vestry, the trustees, who take the money he secures, determine his salary, and pay the bills of the church. They themselves give usually but a small portion of the amount raised. The minister has a life-and-death stake in the matter. The laymen have none.

It follows that the minister, who may be presumed to have a professional knowledge of the needs of his church, of the kind of building that should be erected, of the type of music to be hired, of all the details of the enterprise, is not the real director of the affairs of the church, but merely an employee of a lay group. It is an anomalous position. He is the nominal head of a business with none of the authority of the head. There are exceptions, of course, but the scene in the first act of Mr. Golden's production, *Thank You*, is not in the least exaggerated.

The men on the lay boards are either men of such large affairs that the business of a church is too petty for their consideration — it has become increasingly difficult to get meetings of such men, as every director of a big business knows — or they are apt to

be men of petty minds and small experience, without faith and without vision. Able and devoted men in such offices are becoming rare, and are confined mostly to the large cities. Not infrequently these church officials are very difficult for the average minister, unused to dealing with people under the rough conditions of the business world. Since they hold the purse strings, he is powerless.

The consequences of this method of administration, except in the case of pastors of unusual genius and powerful personality, can be clearly defined. Without knowledge, without vision, without faith, with no higher motive than economy and the fear of venture, many lay boards erect mean, cheap structures on obscure, cheap sites. Their chief concern is to scale down the architect's dream and to save money. The glory of God and the splendor of worship seldom enter their heads. Every pastor who has built a church, and every architect, knows the infinite ineptitude of these men. It is not so much their fault, however, as the fault of the system which places them in a position they are unfitted to occupy. And it is this same system which, making the real head of church affairs not the pastor but an irresponsible lay board, puts so much of the church work in many places into the hands of the 'little mousey men who are religious,' to the annoyance and despair of the nominal leader, who is powerless to direct affairs because he is a mere hired man.

When Dr. Herbert Hensley Henson, now Bishop of Durham, visited this country he said that the great weakness of the Protestant churches both in Canada and in the United States was the dependence of the ministers on the good will of the people. He was right. And it is the failure of the clergy to control and direct the finances of

their churches that makes them thus dependent. Barring the wild self-appointed preachers of the hills, the fanatics, the cranks, and the sentimental uplifters, the ordained and licensed Protestant ministers of the American towns and villages will compare favorably with any group of business or professional men. Generally better educated than the average of the congregations to whom they preach, better read, more open-minded, more ready to try new methods and to receive new ideas, certainly as competent to direct and control the finances of their churches as the clergy of the Church of Rome, they find themselves merely hirelings of groups they are compelled to please and whom they dare not stimulate or rebuke.

The professional success of the Protestant minister depends upon his ability to raise money. That does not mean that he need even mention the subject. It means that he must have the qualities of leadership, of organization, of spiritual power, of eloquence or magnetism, in sufficient degree to cause people to give. The church must be kept out of debt, his own salary must be raised, the enormous demands of the bishops, boards, and secretaries in the general offices must be satisfied; otherwise the minister is a failure. It all depends upon him, yet the minister is considered too holy to be interested in who gives or what is given, to be too spiritual to attend to the business affairs of his church, too otherworldly to know enough to handle the finances of his parish.

It is a tribute to the ability of the Protestant ministry that they have managed so well with so impossible a system. But it accounts for the constant changes in the pastorate, the miserable salaries paid to ministers, and the decay of church organization. For the prayer of the average layman

for his pastor seems to be, 'O Lord, you keep him humble, and we'll keep him poor.'

VI

Protestantism, then, is undergoing a revolution. The foundation of authority upon which it was built has certainly shifted, if not broken. Considered as an organization, or as organizations, the Protestant churches might weather that storm, just as the Roman Church has held together under centuries of criticism, were it not for the fact that the real leadership in Protestant organization is not in the hands of professional leaders, but in the hands of laymen. Such men, not having time, training, or a vital stake in the cause of religion, confused by external interests and doubts regarding the foundations of their churches, cannot rescue the sinking vessel. Protestantism is disintegrating and is doomed. It may outlast your life and mine, but ultimately America will see it no more.

It is my conviction that the sooner Protestantism disappears from American life the better. Its narrow sectarian spirit, fostering division, incapable of a large synthesis of values, of unity, unfits it to represent our national religious life. Its differences of polity and doctrine, of forms and customs, do not justify the expense of its duplication of effort and upkeep. It does not answer to the deep needs of human nature. As a moral guide it is superficial, depending on the exterior force of state legislation to effect the redemption of the race. As a mystical experience it is sentimental, without intelligence, and with narrow vision. As a teaching force it is vague, negative, and uncertain. As an organization it is illogical and chaotic.

Considered in relation to the idea of worship, Protestantism is particularly lacking. It began by eliminating the

element of beauty from its meeting-houses, and it has never succeeded in bringing it back. At the best its services are coldly dignified. At the worst they are slovenly and drab. Without color. Without movement. But beauty is an attribute of God and should be expressed in worship. There is no wonder that men prefer the ceremonies of the lodge, with the vestments, lights, moving acolytes, and swinging incense, to the undecorated dullness of their Sunday worship.

The strength of Protestantism has been in preaching. But in these days of general culture, of the radio and the newspaper, even those to whom the sermon is still something of a saving ordinance find it less necessary to attend church for the purpose of hearing one. Why go to the trouble of dressing for the church parade when you can sit at home and hear a preacher of the first rank instead of the third-rate man who occupies the pulpit in the old home town? And preaching at its best does not reach down into the depths of the individual life sufficiently to have great moral value. It is too general. The average Protestant pastor is much like a physician who should find himself limited in practice to the giving of one or two lectures a week on the general subject of hygiene in the ward of a hospital. Compared with the individual relationship of the pastor to the sinner in the Catholic confessional, Protestantism with all its preaching is merely on the outside of life.

Moreover, there are many subjects upon which the Protestant preacher for various reasons can scarcely touch. Remember that above all things he must please his audience. Otherwise they will not come again, they will not support him, they will persuade his board, his trustees, his vestry, to get rid of him. The average pastor is paid less than a cook, less than a chauffeur,

less than an unskilled laborer. If he gets out of a job, it is by no means easy for him to obtain another readily. The organizations of Protestant churches feel no obligation to provide him with a place. Unless he is a dominant personality with considerable gifts of leadership he must above all things avoid offense. If he has been long in the ministry and has given hostages to fortune, it is a tragedy for him to lose even the miserable pittance he receives. It is to the honor of the men in the profession that so many of them risk unpopularity and even livelihood by having the courage of their convictions.

Protestantism has never developed a moral theology. Consider, for instance, its dealing with the vital subject of sex. This vast and most important aspect of human life is seldom dealt with in any thorough fashion in Protestant teaching. If handled at all, it is touched upon very gingerly. Unsuitable for the subject of pulpit oratory, it has become the Great Taboo of the Protestant world. Protestantism can make no provision for the instruction of adolescent youth on this profound matter. It leaves youth to its own guidance, the guidance of ill-instructed parents, or such information as it may chance to pick up from whatever sources. And the consequences of this failure in religious instruction are abundantly apparent.

The old disciplinary systems by which the lay members of Protestant churches were bound to profess certain beliefs, to maintain certain rules of conduct, and to sustain certain obligations to the church on pain of loss of membership, have become as obsolete as the old formulæ, the confessions of faith. Where they still remain on the books they are practically dead letters. The decline in the numbers of the church membership, the desperate need of money, the intense rivalry of sectarianism, combined with the liberal

spirit of the age, have swept them into the discard. Most churches will do anything for anybody — receive anybody, marry anybody, bury anybody. They hawk their sacred wares about the streets. They cry aloud for people to fill their large and empty buildings. They offer inducements for those connected with other churches to leave their accustomed pastures and try new ones. The organizations are without confidence and without dignity. They are breaking up.

VII

But far more important than any study of these defects and conditions, now for a generation known and recognized, is the consideration of what will take the place of this outworn and dying system. What will follow the break-up of Protestantism?

Some have felt with Chesterton that Rome will be the residuary legatee, the Pope the universal landlord. They point to what Rome has to offer. In convenience. In uniformity. In artistic forms of worship. In architectural splendor. Rome is the least expensive church to belong to in all Christendom. Its system of finance, managed by the clerical order, is effective. Its elaborate and settled organization, its united front and vast size, give it weight politically and socially. Its lay members are not bothered with the necessity of thinking out religious problems for themselves. The complexity and variety of its cults and doctrines enable one to make choice of those features of Christianity that suit one's temperament and mood. It is tolerant enough unless you venture to question too publicly. Perhaps for a time Roman

Catholicism may become the fashion.

But, as I said at the beginning, the values of religious institutions never die. The undying values of Protestantism are the passionate assertion of liberty and truth. Protestantism shook off Rome once. It will never revert in any permanent and final way to the acceptance of religious authority. It is, in the present revolution, shaking off the remnants of such authority. The new generation will begin to think where such organization as Protestantism still supports leaves off, to assume the death of that for which it still argues.

Perhaps in dying as an organized force Protestantism will in reality save itself. The Church after all is a means to an end, not an end in itself. When the author of the Apocalypse saw the heavenly vision, he saw no temple there. The Church, in a sense, exists merely to do away with the need of its existence. But what new form the spirit of religion in the coming age may take, who can say?

Is it not reasonable to hope that, leaving the outworn dogmatisms and methods of the past, the children of the new age will construct out of those values which have been the real sources of inspiration and of power, both for Catholic and Protestant, a Church that will meet the needs of the day and generation, combining with the old the new wisdom of the present era, raising mankind to a higher plane of spiritual experience, a more vivid realization of eternal life?

'Every scribe which is instructed unto the kingdom of heaven is like unto a man that is an householder, which bringeth forth out of his treasure things new and old.'

BUSINESS HAS WINGS

BY EARNEST ELMO CALKINS

I

If you or I manage to get along with one less pair of shoes a year, that is a small matter and concerns no one but ourselves, but when the practice becomes general a great basic industry is grievously affected. That is exactly what has happened. A year or two ago the shoemakers noticed a falling off in the consumption of men's shoes. The manufacturers got together, appointed the usual committee, and the committee made the usual investigation. It learned that the sale of men's shoes had dropped one third. The average man is now buying two pairs of shoes a year whereas before the war he bought three. The committee was more successful in learning the facts than in finding the remedy, or even the cause. An industry is generally stronger on statistics than on imagination.

Some ingenious theories were advanced. It was felt that the great number of quick and capable repair shops which have sprung up in the past few years was a sort of life-extension institute to shoes that would otherwise sooner have gone the way of all artificial integument. It was even suggested that the spring-bottomed pants so much affected by the younger generation had something to do with it. These flappy trousers covered so much shoe that attention was not called to the need of replacement. But the consensus of opinion was that the arch offender is the motor car, that scapegoat of so many industrial and social dislocations.

The population now rides where formerly it walked, and saves one third of its national shoe bill; but no one figured out and set against such saving the cost of shoes for the flivver.

The slump in men's shoes affects more than the shoemakers. The manufacturers of shoe laces and eyelets, the builders of shoemaking machinery, the tanners of leather, and the growers of cattle, to say nothing of the army of labor, are deeply concerned. It is startling how far a disturbance in one industry reaches, how many others are affected. 'We are members one of another.' It is extremely desirable that a remedy should be found, an argument that will change this dilatory shoe-buying habit, an appeal that will induce you and me to add one more pair to the row of shoes in our closets.

These things are not true of women's shoes. Women also ride more and walk less, but through a fortunate whim of fashion — fortunate for the shoemakers, at least — the present abbreviated skirts continue to make shoes a conspicuous part of a woman's attire, and fashion further says that shoes shall match the costume; so women's shoes are doing quite well, thank you.

But what woman has done to many long-established industries is a tale to make bankers weep and economists tear their hair. Never in the history of mankind has woman undergone so complete a transformation — social, political, moral, and sartorial — as in

the last decade. And as woman is, so to speak, an important fraction of the well-known human race, the manufacturers who cater to her wants and whims have been subjected to the test of the patient man of Uz as messenger followed messenger with stories of disaster. Makers of hairpins, combs, hair nets, corsets, knit underwear, cotton stockings, hose supporters, lingerie, and petticoats have come down to work in the morning only to find that the business they have built up by years of hard work has vanished into thin air overnight.

One of the things woman has thrown overboard, together with most of her apparel, is letter writing. No one now writes those long, rambling, gossipy letters which were one of the graces of a simpler and more leisurely age. While business letters have gone up, social letters have gone down. Business stationery is different from social stationery. The one is a so-called bond paper, a stiffer and crisper paper than the softer style used for social letters. Business advances by leaps and bounds and uses mounting reams of bond paper to carry on its multifarious transactions, but social life is no longer lived on paper. It moves on air, and free air at that, in its balloon tires and in wave lengths in the circumambient ether. The decay of the art of social letter writing has been gradual, but the retrogression has been given a fillip by the modern woman's adaptation to her rapidly moving environment. Time was when a woman gave a 'progressive euchre' and sent out twenty invitations written on her personal note paper, necessitating twenty letters in reply. Now she 'gets on the phone' and arranges a 'bridge' before she hangs up, and two quires of writing paper are deprived of a market; and society sanctions the practice. And the advertising man is asked to think up some

other use for stationery besides writing letters on it.

Some industries seem basic. One would imagine the ice business belonged in that class. There is something about it that suggests the eternal precession of the seasons, the enduring of seed time and harvest. But meanwhile engineers have been experimenting with artificial refrigeration for domestic use, many homes are equipped with electric refrigerators, and the effect on the natural-ice business is marked. A quarter of a million electric refrigerators have been installed in homes in the last four years. General Motors has invested \$20,000,000 in factory and equipment and will spend \$5,000,000 in advertising this year to tell folks about its own particular variety of cold-making machine. The young salesman who sold me the device which supplies the little cubes of ice in my kitchen told me that he had gotten his selling training as a motor-car salesman. There you have an instance of the way in which business makes one hand wash the other. The process of selling electric refrigerators offers a parallel to that of selling motor cars — the cost of each unit, the argument of an apparent luxury that becomes a utility, and the service that must be maintained in the background. That public which in twenty years has become an expert gas-engine mechanic by taking care of its motor car, and in five years an electric engineer through the radio, is being trained to adopt artificial refrigeration with even greater celerity. The ways have been greased by high-power selling and consumer acceptance.

There is a chance that the old-time iceman with his hip rubber boots and gigantic sugar tongs will some day be as extinct as the ragman. But not if he can help it. The iceman is not going to take this extermination of his business

lying down. He is planning to fight back; he has his coöperative advertising, and the nation, or that part of it which reads advertising, will listen for some time to come to a spirited debate regarding the respective advantages of natural and of artificial low temperatures. If the ice companies are wise, they will qualify as distributors of the new utility which threatens their old business, and thus be in a position to swap horses while crossing the stream — as, indeed, some of them have been shrewd enough to do.

II

Here, then, is a new element in business, a new hazard to be added to the customary and established ones which in the past a manufacturer must overcome if he would succeed. He built up his business by faithfully following the accepted precepts, watched his costs, stimulated his sales, advertised, acquired good will, and looked forward to continued prosperity as long as he did these things. And now this unstable, excitable, fickle public is showing a disposition to change its mind, its habits, and its clothes with such disconcerting suddenness as to leave the shortest possible time for readjustments. It has somewhat the effect of 'deuces wild' in a poker game. The mood of the people, the interplay of one new discovery or invention with another, the quickness with which information spreads, — by advertising, publicity, word of mouth, and moving pictures, — are rapidly changing the industrial physiognomy of the country and shifting the centres of old basic industries.

It is not that change in itself is new. Ever since the beginning of the age of invention, when people first began to realize there was profit in ideas, the process has been going on. The

Jacquard loom, the typesetting machine, kerosene, the electric light, the motor car, flake breakfast foods, the safety razor, the player piano, all caused upheavals, and were bitterly opposed by those whose businesses were menaced. But those things were slower in developing. They came as single spies, not whole battalions. What makes the present fluid state of business notable is the speed with which things happen — what Robert Updegraff has called 'the new American tempo.' He says (in *Advertising and Selling*): —

To-day a new factor — the new American tempo — changes the whole problem of building a successful business. Materials, machinery, processes, labor, capital, and the competition of other men in the same business are beginning to be almost secondary to it, as an increasing number of business men in widely separated fields are discovering to their sorrow or delight, depending on whether they have missed this tempo or caught it and synchronized their enterprises with it.

The new American tempo is manifesting itself in a number of interesting ways.

First, in the public's disconcerting willingness to turn its back on established institutions, products, methods, ideas, as evidenced by the rusting rails of hundreds of abandoned trolley lines; by the difficulty a woman with long hair has experienced for the past two years in finding a hat large enough to fit her head; by the ruthless wiping out of denominational lines and the establishment of broad 'community' churches; and by the fact that the only thing that saved the great solidly entrenched phonograph industry was the timely introduction of a new and vastly superior machine built on a new principle.

Next, in the public's promptness, amounting almost to aggressiveness, in accepting new products, new methods, institutions, and ideas. Witness radio, balloon tires, the metropolitan tabloid pictorial newspapers, the Chrysler car, the bootlegger, Duco finish, electric refrigeration, pale ginger ale,

National Cash Register stock — not to comment on the celerity with which the nation accepted its newly created bad breath!

Someone, who was more of a poet than an astronomer, said God left Saturn incomplete that we might see how worlds are made. The supposition is that in the long result of time those whirling rings would condense into moons. We have the spectacle of at least one great industry which is throwing off whirling rings not yet condensed into moons, which affords us a close-up of the ruthless sabotage of invention hurling its wooden shoe into the machinery of production, and at the same time affords us an opportunity to prophesy. Chemists fooling around with the vast stock of nitrocellulose left over after the war and seeking to find a peaceful use for it discovered a new sort of finish that is not paint or varnish or stain or enamel, but shows symptoms, at least, of one day displacing all of them. This new finish, which has been christened 'lacquer' by most manufacturers (though it has nothing in common with the Oriental lacquers, and in fact no ingredient that justifies that syllable 'lac'), forms an impervious film very much like celluloid, hardens almost instantly, and, what is even more portentous, can be sprayed on. Indeed, so quickly does it dry that the spray brush was at first the only means of applying it until the chemists found a way of slowing it up so that it might be put on by hand with an ordinary bristle brush.

The possibilities of this invention stagger the imagination. If it is found to answer the purpose of paint and varnish, not only must thousands of factories producing those products be scrapped or reorganized, but a crisis will confront linseed oil plants, flax growers, zinc and lead mines, varnish makers, importers of kauri gums,

turpentine distillers, and a legion of industries whose products are the raw materials of the paint and varnish makers. More than that, a great department of labor is threatened with such a shake-up as annihilated the old-time printer when Mergenthaler made good with his typesetting machine. While the quick-drying lacquers can now be brushed on, the element which opens the doors to speculation is the spray brush. The time required for both applying and drying is one great drawback of the old true and tried finishes. In the building trades especially, where so many structures are erected on borrowed money and every day adds to the interest charges, the speed with which a factory, loft building, or apartment hotel can be decorated and made ready for use the moment the finish is applied will compel contractors and construction companies to watch the developments with a hospitable eye. The painters' union is entrenched and embattled against the spray brush, and will walk out on any job where it is used; but in every automobile factory motor cars are regularly finished by applying lacquer with a spray brush, and for years ordinary paint has been put on freight cars by the same easy method. If lacquer is a satisfactory all-purpose finish, — and only time can tell that, — the unrelenting urge for speed will put the painter with his bristle brush and his carefully acquired technique in the discard along with the harness maker, the hand compositor, and the blacksmith. Experienced observers say, however, that lacquer is just another addition to the line, and point to the increased sale of paints and varnishes last year after lacquer was introduced.

Nevertheless manufacturers of all sorts of products are experimenting with lacquers and the spray brush. It is being successfully applied to

pianos, always a sensitive job. And its employment in redecorating old buildings savors of Aladdin and his lamp. A hotel bathroom can be completely refinished in an afternoon and used for its legitimate purpose next morning; a floor done one day may be walked on the next. Uncounted housewives, fired with the decorative urge, are using it to rehabilitate shabby pieces of furniture, the ease with which it is applied making small demand on an amateur's skill, and the promptness with which it dries giving a touch of magic to the operation. The fortunes of quick-drying finishes are not bound up with the spray brush; but, coupled with the spray brush, there has been presented in less than two years to the old-line paint and varnish industry a problem which must be solved, and solved right, and soon. Shall it go with the new finishes, or sit tight, or do both? Is this just a new line to add to a long procession of surface treatments, entitled to its place in the sun, but not to the whole industrial earth, or are we at the point of sloughing off another industrial habit, transferring the source of raw materials to another quite different group of industries and the final application of the finishes to a new class of skilled workmen?

Bread making, another staple home industry, for generations the standard test of the ability of the housewife, has suddenly shifted to the chain bakers. Flour millers who spent half a century in making their brands household words find themselves with all this good will thrown back on their hands, of small value in the new market where their flours must now be sold. Fifteen men, the purchasing agents of the great chains, now buy some sixty per cent of the flour, and they buy, not on the reputation of an advertised brand, but by chemical tests and price. The remaining forty per cent is sold to the

small one-shop baker, who is slowly fading out of the picture, and to the grocer to retail to such old-fashioned housewives as still use flour in their kitchens. These percentages are shifting and may not be accurate at this moment, but the point is that the flour market is changing from an old to a new group of buyers, a new Pharaoh which knows not Joseph of the brand advertising, with the result that millers must reorganize their selling, advertising, and manufacturing. Even the grocery trade presents a different physiognomy. The individual grocer is of less importance to the flour jobber's salesmen. The chain grocers are now the large buyers — meaning, as in the case of the bakers, a few individual purchasing agents who are in a position to dictate price, and do. The flour miller has hardly any of his old customers left, and the problem which his advertising agents face is a difficult one. At least one large flour-milling company has adopted good-will advertising: selling the baker to the consumer — that is, urging the public to buy baker's bread, in the hope that the baker will be grateful for the help to the extent of using that miller's flour. This is a type of the new problems which changes in habit present to advertising, problems far more difficult than the old ones of selling goods through normal and well-worn channels.

III

Such is the business world we have to deal with, a world that has in a remarkably short time become almost fluid, with a plasticity to the touch that suggests — nay, commands — that we should mould it to a better pattern. The causes are three, or perhaps, more accurately, four, the fourth being in reality the primal cause, the one responsible for the results apparently

produced by the others. These causes are fashion (as it affects manufacture); inventions and discoveries; changing habits (sometimes but not always created by the inventions and discoveries, and sometimes even by the fashions); and the responsiveness of the public mind, due to the cumulative effect of advertising. These are powerful in their influence on business, not in themselves, but in the universality of their adoption. It is unimportant economically what a few people do, but when the entire populace does it the results are registered automatically in a thousand factories.

Fashion has ever been a wayward hussy. Fortunes have been spent in the vain attempt to dictate to her, or to control her, or even to forecast her. The first important advertising I worked on was for a skirt binding, a tough, durable strip of cloth bound to the hems of dresses to protect them from the pavement. The brief-skirted flappers of to-day probably do not know that such a product ever existed. Twenty-five years ago many factories made it; its advertising was abundant; it was apparently an abiding industry. It disappeared gradually. Its makers had time to experiment with other products, to adjust their machines to making something else, and to adjust their sales to a new market. Not so to-day. If the trailing skirt had lingered on to the post-war period, it would be in keeping with the high-speed temper of this era to have made the two-foot jump in a single season.

Involved somehow with fashion, and frequently mistaken for it, is a similar influence, best described as a craze or a fad, which also produces concerted action from millions. Raccoon coats, soft collars, the Charleston, 'So's your old man,' Helen Wills skeleton caps, crossword puzzles, Mah Jongg, 'Valencia,' compacts, stickers on the wind-

shield, are called fashions only by a popular misuse of the word. On the other hand, such crazes are not to be confused with habits, which are a more complicated department of social and economic investigation. Prohibition, the eight-hour work day, installment buying, greater frankness toward sex, have all created new sets of habits which have their effects on business. The present indifference to money, to the cost of things, fewer appeals to thrift, greater emphasis on gratification, the logical result of abundant money, shorter hours, the five-day week, higher wages, and the utter disappearance of the old-time price levels for staples, have changed the entire selling appeal of many products.

Invention and discovery hardly need comment. We contemplate with sangfroid a new one every day. Hardly has the radio become practicable when the air is crowded, and there is dispute over wave lengths.

'See the airplane,' said a father of my acquaintance to his ten-year-old daughter the other day, with the wonder of a generation which has seen the birth of flying.

'No, Father,' replied the child of a new era, 'that is a hydroplane.'

Have you noticed the pictures of the new heaters, looking more like phonograph cabinets than furnaces, being tended by paterfamilias in full dress and white gloves? As the advertisements say, 'the cellar has a future.'

Arthur D. Little, industrial chemist, observes:—

The fuel industries are in an extraordinary state of flux, and many revolutionary developments are impending. The use of powdered coal is rapidly extending. Low-temperature carbonization is steadily making headway. We are coming slowly but certainly to an artificial anthracite and we may confidently look to coal for a proportion of our motor spirit. Cheap oxygen

is almost here, and when it comes there will be profound changes in combustion methods and in metallurgical practice, and these will require new refractories.

And while the chemist looks at the fuel of the future we have already seen the old familiar cellar, freed from coal and ashes, added to the living rooms of the house by means of the oil burner. The coal wagon disappears in the offing, following the ice wagon over the hill to oblivion.

The three forces, then, which are injecting into the conduct of business a new hazard are fashion, new ideas, and changing habits; but what makes them formidable is the speed with which they spread and the unanimity with which they are adopted. Advertising is responsible for both the speed and the unanimity. The continuing body of advertising has produced a receptive state of mind. Advertising is accessory before the fact as well as after. It has created a public, almost coextensive with the population of the country, that reveals an amazing willingness to adopt anything, or, to put it more emphatically, a determination not to be left behind — a sort of mad scramble to have, do, and be whatever is popular at the moment. The individualist is apt to be lonely.

The manufacturer, whatever he may make, however basic and staple, however well entrenched in the homes of the country, can no longer settle down and let things take their course. He must now hold himself ready to act and act quickly, interpret the signs, anticipate the new attitude of the public, analyze each new invention or discovery for its effects, immediate or ultimate, on his own business. He must sleep like a fireman, fully dressed, ready to dash out at a moment's notice. The silk manufacturers are all watching rayon, that strange new silklike fabric

that a German chemist made out of cotton. The telephone company's experimental laboratory has led the van in experiments with radio, anticipating each new discovery. What if some development of wireless should render fifty thousand miles of wire and poles so much scrap material? When war conditions taught tire makers that lamp black was a better ingredient of rubber than zinc oxide, and the public took kindly to black tires, the zinc people turned their energies to paint and developed another market. The Victor Talking Machine Company did not at first take the radio seriously, with the result that it passed a dividend for the first time in its history. But its readjustment was magnificent. It promptly developed a greatly improved instrument, on a new principle, and last year declared a greatly improved dividend.

The smooth-shaven face has come to be the accepted type of the American business man. Beards are the badge of radicals, savants, and artists. The safety razor has made us a nation of self-shavers, and around this habit have grown up many industries making and selling such accessories as shaving creams, lotions, and talcum powders. The soap has seen four successive reincarnations, as cake used with a mug and as stick, powder, and cream, and now we have preparations that do away with soap. Think what an upheaval would be caused in many businesses if the nation decided to tarry in Jericho and let its beards grow. Such a change of habit is not so improbable as many we have seen happen. The minute whiskers in front of the ears, the earmarks formerly of the bishop and the butler, affected by Rudolph Valentino have inspired emulation on the part of a number of would-be sheiks. At least one manufacturer pretends to be fearful of such a throwback, and has started a backfire. For a year

the advertisements of Colgate and Company have been illustrated with pictures from old photograph albums, showing the hirsute adornments of the gay nineties and holding them up to ridicule. Advertising to create new habits is common, but here is an example of the use of advertising to forestall and prevent the return of a habit which would deprive many products of a market.

Hand-to-mouth buying was an emergency practice adopted during the deflation period following the war. Retailers bought only enough goods to supply their immediate needs, to avoid being caught by falling prices. The contemptuous term applied to it reveals that it was looked upon as a temporary device, a makeshift, to keep the machinery running. Instead, it has won its place as sound merchandising. The goods now remain on the wholesaler's shelves or in the manufacturer's warehouse until they are actually needed for retail sale. The dealer carries less stock, needs less room, ties up less capital, and actually does a larger business in a shop the size of a sitting room (and furnished very much like one) than he used to do in the old-fashioned store, a long, narrow room about twenty-five by one hundred feet, with counters on both sides and shelves and bins behind the counters from floor to ceiling filled with goods, some of which had stood there until they had become veritable antiques. The modern retailer buys only what he knows he can sell, and buys it shortly before he sells it, smaller quantities at more frequent intervals. Production and consumption are brought closer together. The manufacturer is more acutely conscious of his real customer — our old friend, the ultimate consumer. He measures his sales by what the public has actually bought, not by what his salesmen have succeeded in loading the dealer

up with. Thus greater elasticity is given to the machinery for making and selling goods. This is one more instance of the alert condition of business. It is traveling light, ready to change its course on short notice. It increases speed, but it equally increases control — eighty horsepower, but four-wheel brakes.

The purpose of national advertising is to bring the maker and the user of goods together, to make them better acquainted, so that the maker will know better what the user wants and the user will have more confidence in the goods because he knows their maker. Hand-to-mouth buying now shortens the time between the factory and the home. The manufacturer is in a position to learn quickly what his customer wants and act promptly on what he learns. Some slack has been taken up, belts shortened, bolts tightened, and the vast machine that is the nation's business does more with less clutter and lost motion.

A glance should be given to the men who hold the purse strings. Behind business is the banker who one way or another furnishes the money to finance it. For years the banker had thought of business in terms of production. He loaned money to build factories, buy equipment, extend physical property. Now and then some adventurous soul would ask for a loan to buy advertising, and the banker would be shocked at such frivolity. Along came installment selling. About everything is now sold on the deferred payment plan. Installment selling means that bankers are now financing consumption, willy-nilly, and must perforce take an interest in consumption, which includes a better understanding of advertising, by which consumption is maintained.

This contact with advertising is humanizing the banks. Bankers learn from manufacturers something more

than the value of advertising. They have come out from behind their marble counters and bronze grilles with a new conception of what a bank may be to a community. They have gotten over their fear of losing dignity, and have found that there is no loss of dignity involved in telling people in words they understand that a bank is just as useful and friendly an institution as a department store. Many years ago an advertising man talked to the board of directors of a bank. He told them that banks seemed cold and forbidding to the average man; that when a bank published an advertisement it was a formal statement, couched in language no human being used; that its technical terms were unintelligible to multitudes who none the less qualified to be customers; and that a great opportunity was offered that financial institution which first laid aside the dignity which hedged a bank and fended off the public. He suggested that this bank do what many of the most conservative banks have done since — talk to its customers as a man would talk with another, explaining and defining the terms it used, and radiate a sort of friendly and inviting atmosphere. In reply the president said he believed that it was all true. 'But,' he said, 'we could not do anything like that, even though it would probably increase the business of the bank and widen its sphere of influence, because if we did other banks would laugh at us.' To-day the laugh is on those banks so oblivious of the time in which they live that they continue to conduct their business as though dealing with a bank were compulsory, like dealing with the post office.

Not only do banks use the methods of getting closer to the people that have proved successful in more homely businesses, but bankers are transferring their interest from making goods

to selling them. They are acquiring businesses that have been created by advertising with the intention of increasing them by the same means. They are trading in that most tangible of assets, good will. When bankers become receivers of a business, they no longer lop off the advertising expenditure as a necessary retrenchment. One of the first announcements by the bankers who are reorganizing the Chicago, Milwaukee and St. Paul into the Chicago, Milwaukee and Pacific is of a million-dollar appropriation to advertise the new name, an action that would have been inconceivable a dozen years ago.

IV

Such is a hasty and imperfect catalogue of the new forces which are impinging on an old established business order and making a kaleidoscope every turn of which groups the old fragments in new and fascinating patterns. These are some of the things the advertising man sees when he looks at his world. He finds new problems added to and superimposed upon old ones. To the ordinary man-sized job of selling an established product in an established market have been added two other problems: what to do with an established product when its established market dries up, and how to present to the public a new idea the acceptance of which demands sloughing off old groups of habits and acquiring a new set in their stead, as the housewife is being weaned from lard to a shortening that is both liquid and vegetable. It is like going from simple arithmetic to differential calculus. Instead of dealing with tangible digits, we must reckon with x , an unknown quantity raised to the n th power. The advertising man is expected to find the answer. More and more in this complicated

modern business world the manufacturer is turning to him for advice; for prophecy almost, as Belshazzar turned to Daniel. And the advertising man must interpret what the hand is writing on the wall, or be thrown to the lions.

The fluid condition of business, the possibilities it offers of new combinations, the promptness with which the public accepts and applies everything offered to it, from filling stations to nonfiction books, — creating a new social structure as it drifts from camp to camp in its flivver, but making a best seller of a book about philosophy, — invite and tempt the new type of advertising man. Advertising in its narrow sense is but the door through which he enters a world where anything may happen, and no dream seems too fantastic to be realized. No wonder all the sad young men are deserting literature to become advertising experts.

Consider the discussion that has gone on for years about those periods of depression known as hard times. It was believed that they were inevitable, that business moved in cycles, that the pendulum must swing back, that action must produce reaction. Yet it has been realized for a long time that such periods are due to states of mind, when for some mysterious reason everyone becomes apprehensive, stops buying, ceases to act as one who believes in the continuance of prosperity. The thought spreads from mind to mind, weak businesses fail, banks call their loans, sales fall off, and everybody gives and receives the impression that business is not good — and it is not.

To-day the most pessimistic cannot ignore the signs of prosperity. The business world is saying, 'Every day and in every way business is growing better,' and paying to say it. At the close of 1926, Cyrus Curtis employed a

page advertisement in numerous newspapers to announce that more space has been booked for 1927 in his three publications than ever before in their history. A manufacturer has stated that he will spend in advertising, this year, the stupendous appropriation of twenty-five million dollars. Such incidents as these are more than indices of prosperity. They are guaranties that prosperity will be produced. They are causes rather than effects, but they reflect the belief of men who back their belief with their money, and by so doing make their belief come true. We have realized at last that prosperity is not merely wealth, or goods, or high wages. It is money in action, exchanged for goods. Securing prosperity by advertising for it is at least as certain as securing any other concerted action by the same means. When everybody is pessimistic, business is bad. When everybody is optimistic, business is good. Business continues to be good as long as people think it is. If they can be made to continue to think it is, as they have been made to think they want motor cars or silk stockings, then business cycles of alternating good and bad times are as obsolete as bicycles.

The new type of manufacturer will find the advertising man armed for the new adventure of business. Far from being dismayed by the changing aspects of industrial life, he realizes that the commercial world has become the field of high emprise, having something of the appeal of knight-errantry and something of the appeal of the Spanish Main, retaining the best features of both. The necessary work of making and selling things, formerly looked upon as both sordid and humdrum, is acquiring a glamour of romance. Up to very recent years the mercantile world was despised, even by those who belonged to it. In the past those who made things were artisans and those

who sold them were shopkeepers, and the artisan and shopkeeper touched their hats to almost everybody else.

Each age had its appropriate method of seeking adventure. The knights set out, clad in unspeakably ridiculous suits of armor, to break up the dull humdrum of life by courting the unexpected. A century or two later, as man became conscious of his physical universe, he set out in almost equally ridiculous ships to tackle what lay beyond the Pillars of Hercules, the rotundity of the earth, or a short passage to India. Not only were such the outlets for daring souls that could not settle down to a monotonous and orderly life, but in those achievements they won such glory as their age offered. Always this thirst for adventure, this craving for the unknown, this desire to tackle whatever dragon happened to be unslain at the moment. And all these gallant gentlemen united in considering a man who made and sold things as the lowest form of animal life. Napoleon could not think of anything more insulting to say to England than to call it a nation of shopkeepers, but to-day the Napoleons are more interested in shopkeeping than in anything else. The type that once was a Ulysses, a

Columbus, a Roland, a Sir Francis Drake, a Benvenuto Cellini, or a Balboa, is to-day a manufacturer whose business is really the charger or the galleon with which he sets forth to seek this modern version of adventure. To-day Peter the Hermit, instead of putting men on the back of mail-clad horses and sending them on crusades, is putting them into Fords and Chryslers and Cadillacs.

Business is to-day *the* profession. It offers something of the glory that in the past was given to the crusader, the soldier, the courtier, the explorer, and sometimes the martyr — the test of wits, of brain, of quick thinking, the spirit of adventure, and especially the glory of personal achievement. Making money is not the chief spur to such men as du Pont, Chrysler, Durant, Filene, Hoover, Heinz, Eastman, Curtis, Gary, Ford, Grace. Money to them is no more than the guerdon. They engage in business, and in the business they engage in, because there are no longer any long, slimy, green dragons holding captive maidens in durance vile, no holy sepulchres to be reft from the infidel, no Pacifics to be viewed for the first time. Business is to-day the Field of the Cloth of Gold.

A FROZEN DIARY

GLIMPSES OF THE BARREN LANDS

BY CAPTAIN THIERRY MALLET

I

Our camp had been pitched at the foot of a great, bleak, ragged hill, a few feet from the swirling waters of the Kazan River. The two small green tents, pegged down tight with heavy rocks, shivered and rippled under the faint touch of the northern breeze. A thin wisp of smoke rose from the embers of the fire.

Eleven o'clock, and the sun had just set under a threatening bank of clouds far away to the northwest. It was the last day of June and daylight still. But the whole country seemed bathed in gray, boulders, moss, sand, even the few willow shrubs scattered far apart in the hollows of the hills. Half a mile away, upstream, the caribou-skin topeks of an Eskimo settlement, fading away amid the background, were hardly visible to the eye.

Three small gray specks could be seen moving slowly above our camp. Human shapes, but so puny, so insignificant-looking against the wild rocky side of that immense hill! Bending down, then straightening up, they seemed to totter aimlessly through the chaos of stone, searching for some hidden treasure.

Curiosity, or perhaps a touch of loneliness, suddenly moved me to leave camp and join those three forlorn figures so far away above me near the sky line.

Slowly I made my way along the steep incline, following at first the bed of a dried-up stream. Little by little the river sank beneath me, while the breeze, increasing in strength, whistled past, lashing and stinging my face and hands. I had lost sight momentarily of the three diminutive figures which had lured me on to these heights. After a while a reindeer trail enabled me to leave the coulee and led me again in the right direction, through a gigantic mass of granite which the frost of thousands of years had plucked from the summit of the hill and hurled hundreds of feet below.

At last I was able to reach the other side of the avalanche of rocks and suddenly emerged comparatively in the open, on the brim of a slight depression at the bottom of which a few dead willow bushes showed their bleached branches above the stones and the gray moss. There I found the three silent figures huddled close together, gathering, one by one, the twigs of the precious wood. Two little girls, nine or ten years old, so small, so helpless, and an aged woman, so old, so frail, that my first thought was to marvel at the idea of their being able to climb so far from their camp to that lonely spot.

An Eskimo great-grandmother and her two great-granddaughters, all three contributing their share to the support

of the tribe. Intent on their work, or most probably too shy to look up at the strange white man whom, until then, they had only seen at a distance, they gave me full opportunity to watch them.

All were dressed alike, in boots, trousers, and coats of caribou skin. The children wore little round leather caps reaching far over their ears, the crown decorated with beadwork designs. One of them carried on the wrist, as a bracelet, a narrow strip of bright red flannel. Their faces were round and healthy, the skin sunburned to a dark copper color, but their cheeks showed a tinge of blood which gave them, under the tan, a peculiar complexion like the color of a ripe plum. Their little hands were bare and black, the scratches caused by the dead twigs showing plainly in white, while their fingers seemed cramped with the cold.

The old woman was bareheaded, quite bald at the top of the head, with long wisps of gray hair waving in the wind. The skin of her neck and face had turned black, dried up like an old piece of parchment. Her cheeks were sunken and her cheek bones protruded horribly. Her open mouth showed bare gums, for her teeth were all gone, and her throat, thin and bare as a vulture's neck, showed the muscles like cords. Her hands were as thin as the hands of a skeleton, the tip of each finger curved in like a claw. Her eyes, once black, now light gray, remained half closed, deep down in their sockets.

She was stone blind.

Squatting on her heels, she held, spread in front of her, a small reindeer skin. As soon as the children dropped a branch beside her she felt for it gropingly; then, her hands closing on it greedily, like talons, she would break it into small pieces, a few inches long, which she carefully placed on the mat at her feet.

Both little girls, while searching diligently through the clumps of dead willows for what they could break off and carry away, kept absolutely silent. Not only did they never call to one another when one of them needed help, but they seemed to watch each other intently whenever they could. Now and then one of them would hit the ground two or three times with the flat of her hand. If the other had her head turned away at the time, she appeared to be startled and always wheeled round to look. Then both children would make funny little motions with their hands at one another.

The little girls were deaf and dumb.

After a while they had gathered all the wood the reindeer skin could contain. Then the children went up to the old woman and conveyed to her the idea that it was time to go home. One of them took her hands in hers and guided them to two corners of the mat, while the other tapped her gently on the shoulder.

The old, old woman understood. Slowly and carefully she tied up the four corners of the caribou skin over the twigs, silently watched by the little girls. Groaning, she rose to her feet, tottering with weakness and old age, and with a great effort swung the small bundle over her back. Then one little girl took her by the hand, while the other, standing behind, grasped the tail of her caribou coat. Slowly, very slowly, step by step they went their way, following a reindeer trail around rocks, over stones, down, down the hill, straight toward their camp, the old woman carrying painfully for the young, the deaf and dumb leading and steering safely the blind.

II

Dawn. The sun had hardly set when once more it flashed above the horizon,

for we were still at the beginning of July. From the top of a hill where I had been lying, watching the country, the Barren Lands stretched northward indefinitely. Not a tree in sight. Rocks, more rocks. Huge plateaus covered with moss, then lakes — small ones, large ones, in every direction, a hundred lakes, all blue, gleaming in the sunshine. Exactly in front of me to the north, on the other side of a deep hollow shaped like a crater, a long narrow ledge of sand ran lengthways, forming the top of another hill only a few feet lower than mine. In a straight line, barely forty yards separated the two spots. Sheltered from the northwest wind behind a cairn of stones erected there by some roaming Eskimo hunter, I was completely hidden.

Suddenly something caught the corner of my right eye as I watched the distant shores of a lake to my left. A lone wolf, a great big arctic wolf, had silently appeared on the ridge and was standing, facing me, absolutely unconscious of my presence.

Scarcely daring to breathe, rigid, motionless, I watched the huge beast in the full glory of his strength and beauty. Pure white except for a black streak running from the forehead down the neck and the middle of the back to the end of the tail, I judged him to weigh one hundred and fifty pounds and to be twice the size of a very large dog. Head erect, ears pointed, his tail curved down, the brush only an inch or so from the ground, he calmly gazed around him. His eyes had a bright gold tinge in them. They rested a second on the top of the cairn above my head, then swept farther away, past me, to the right.

After that, slowly he lowered his head, the muscles playing round his neck and shoulders, and sniffed disdainfully at the sand at his feet. Raising his head again swiftly, he

pointed his muzzle straight up to the sky and began to howl. First a deep, low howl coming from far down his throat, then rising and rising until it reached a shrill, haunting note, ending abruptly in a short, sharp cry. Twice again, without moving from where he stood, he sent out that long, nerve-racking call.

Then — something in me snapped. I could not stand the tension any longer. I felt that I had to show myself. I refused to be peering any more through the crack between two stones. I wanted that wolf to see me. I wanted to be face to face with him.

Without a noise, in one movement I rose to my full height, stepping away from my hiding place. The wolf flinched slightly, his legs bending a little under him. The hair on the crest of his neck rose, his ears flattened back, and he bared his teeth in a noiseless snarl. For the space of a second, perhaps two, he remained there, looking straight at me. Then, with a mighty sweep of his legs, his body straightened like a bow. He flung himself backward over the ridge and disappeared like a ghost, without making a sound.

III

Noon. Our canoe swept round a sharp curve of the river, rode the last waves of the rapid, and shot into the backwater under a high rocky bank, in the lee of a hill.

A family of Eskimos watched us land. They were traveling upstream and had stopped there to 'make fire' among a few willow trees.

My men started collecting sufficient firewood to boil a kettle of tea, and the natives helped them, hoping to share our meal. I strolled away, examining the Eskimos' outfit, strewn on the shore. Six husky dogs, each tied to a rock by the chain of a fox trap, rose,

cringing and snarling, as I passed them. A kayak stood upright against a boulder. An old wooden canoe was fastened to the bank by a long rope of reindeer hide. A handful of pemmican was thrown carelessly on the ground, while beside it lay a large platter made of old castaway planking, containing a few sundried fish.

Forty feet away, upstream, a mass of loose rocks strewn on the bank caught my eye. But what really attracted my attention was a patch of color amid the gray of the stones.

I approached to find, sitting in a little hollow between two boulders, a tiny little girl. She was about four years old. Dressed in caribou hide, with coat, trousers, and boots, she was bareheaded except for a thick band of native copper which encircled her forehead just above the eyes. Her mother had tied round her fat little 'tummy' a wide strip of bright red stroud, in the form of a sash. That was what I had seen from the camp. The child was busy playing with something white which she was rolling back and forth on a little flat rock between her knees. It reminded me of the movement of an Indian squaw crushing barley with a round stone. The child looked up and gazed at me thoughtfully for a few seconds. Her little round dark face was shining and her eyes were very black and serious between the slanting eyelids. Then, satisfied, she looked down again and went on with her game, crooning to herself in baby Husky which sounded very weird.

At that moment her mother called out sharply from the camp fire. Obeyingly she rose and toddled away, leaving her toy behind her.

I stooped and picked it up. It was a human skull, a very, very old one, covered with mildew. Moss had crept into the sockets of the eyes and inside the cranium. I turned it round and

round in my hands, wondering a little at the strangeness of my discovery, when I remembered the mass of loose stones. At a glance I recognized a very old grave. Eskimos bury their dead on the surface of the ground, for no one can dig down more than a foot or so without finding rock or ice. I realized that the mound of stones which had been piled so long ago over the body had fallen apart, and that the baby girl, playing about, must have seen the skull between some of the stones and picked it up.

Just as I was going to throw it away I saw something dark on the forehead. Looking closer, I found that it was a large round lead bullet which had just pierced the forehead from the inside, remaining wedged into the bone. Turning the skull once more, I also found, at the base, the hole which it had made going in. With some effort I extracted the bullet with my knife. It was a round ball, of an unknown calibre. No firearm dating as far back as half a century had ever fired it. The little girl had been playing with the skull of an Eskimo who had been shot,—possibly a direct ancestor of hers, who knows?—and not only shot, but plainly murdered from behind.

IV

We had been wind-bound for two days. Twice we had attempted to get out on Yathkyed Lake; twice we had been forced to turn round, with water pouring in over the gunwales of our canoe, and to seek shelter in the river. Finally we gave it up and pitched our camp a mile or so upstream, in the lee of a rock on the edge of a small sandy cove, where the river narrowed to barely one hundred yards.

On the other side of the water the country rose slightly, and extended for miles and miles without a tree, a shrub,

or a rock to relieve its appalling monotony. Just a desert of gray moss, rolling in waves away from us, as far as the eye could see.

We were sitting round a little fire which we constantly fed with small dry twigs picked up here and there on the beach, when we saw across the river, on the horizon, a small yellow streak which seemed to be moving toward us. It looked exactly like a huge caterpillar creeping on the ground. We watched it intently. The yellow streak, little by little, grew in length and width until suddenly, in a second, it spread into a large spot, which, widening and widening on either side, still kept moving in our direction. It reminded me then of a swarm of locusts, such as one sees in South America, spreading over the fields after dropping to earth in a cloud from the sky.

In a few minutes the yellow patch had grown to such a size that we realized, far as we were from it, that it covered many acres. After that we began to see in the mass of yellow hundreds and thousands of tiny dots which moved individually. Then we knew what it was. It was a great herd of reindeer, the Barren Land caribou, migrating south.

Spellbound, we remained beside our camp fire, watching probably the most stupendous sight of wild game in North America since the bygone days of the buffalo.

On and on the horde came, straight for the narrows of the river where we were camped. While the flanks of the herd stretched irregularly a mile or so on each side of the head, the latter remained plainly pointed in the same direction. One felt instinctively the unswerving leadership which governed that immense multitude. For two hours we sat there, looking and looking, until the caribou were only a few yards from the water's edge,

right across the river from where we were.

An old doe, nearly white, led by twenty lengths; then came three or four full-grown bucks, walking side by side. After them started a column of animals of all sizes and descriptions. That column widened like a fan until it lost itself on either side of a swarm of caribou, so closely packed together that acres and acres of gray moss were completely hidden by their moving bodies. And the noise of their hoofs and the breathing of their lungs sounded like far-away thunder.

When the old doe reached the water, she stopped. The bucks joined her on either side. Little by little, right and left, thousands of animals lined the bank for over a mile. Behind them thousands more, which could not make their way through the closed ranks in front of them, stopped. Then all their heads went up, bucks, does, yearlings, fawns, and, motionless, they looked at the Kazan River. Not a sound could be heard. My eyes ached under the strain. Beside me I could feel one of my Indians trembling like a leaf in his excitement. I started counting and reached three thousand. Then I gave it up. There were too many.

After what seemed to us an interminable pause, the leading doe and the big bucks moved forward. Unhesitatingly they walked slowly down the bank, took to the water, and started to swim across, straight for our little sandy cove.

In an instant the whole herd had moved, and with a roar of clattering hoofs, rolling stones, and churning waters, all the animals were pouring down the bank and breasting the icy current until the river foamed. On and on they came, swimming madly to the nearest point of the opposite shore. Nothing could stop them. Nothing could make them swerve.

As soon as they landed they raced up the bank, giving way to the next ones behind them. We were standing up, then, behind our fire. The first ones saw us from the water, but they never changed their direction until they touched bottom. Then they scattered slightly on either side, giving us room. The next ones followed suit. And for what seemed to us an eternity we were surrounded by a sea of caribou galloping madly inland.

Finally the last one went by, a very small fawn, his mouth open and his tongue hanging out. Then silence reigned supreme again. The Barren Lands resumed their aspect of utter desolation. And nothing was left to show that the great herd of caribou had passed, save countless tracks on the sand and millions of gray hairs floating down the river to the sea.

V

We were waiting for two Eskimo dog trains to haul us across Hekwa-Leekwa Lake. It was the tenth of July and the ice of the lake was still solid, lying unbroken from shore to shore. Eighty miles long, twenty-five miles wide, it was still sleeping under its white winter covering. Around it, on land, it was already summer, with little flowers showing their heads between the stones, stray willow clumps waving their new green leaves in the breeze, and countless birds singing and flitting about beside their nests. Walking inland, I decided to climb the highest hill which could be seen in those parts. It rose about three miles from the river and lake and towered above the surrounding country, very much in the shape of a pyramid.

The weather was bright and clear and the heat of the sun radiated from the rocks, but every puff of wind blowing over the ice of the lake was

like the frozen breath of the Arctic itself.

I toiled slowly up and up the steep incline, zigzagging among boulders and through coulees of loose stones, watching the horizon receding gradually from me, obeying unconsciously the call which comes to all white men in the wilderness and which bids them go on and on, through forest, up or down rivers, across lakes, over mountains, searching, ever searching for something new.

I reached the summit at last,—just a few square feet of level ground,—and there I found an Eskimo grave. Five feet high, seven feet long, it was entirely made out of loose rocks which had been brought up there by hand, one by one, and neatly piled one on top of the other, over the dead. Thus it formed a solid block on which, one would think, neither weather nor time could make the slightest impression. Forming part of the landscape itself, that grave seemed to be there for all eternity.

At the head of it, a few feet away, a spear stood erect, stuck deep in the ground and solidly wedged in at the base between heavy rocks. The point was of native copper. From it fluttered, in rags, the remains of a deerskin coat.

At the foot lay, side by side, a kayak with its paddle and harpoon and a twenty-foot sleigh with its set of dog harness and a snow knife. Both kayak and sleigh were held down by stones carefully placed along their entire length.

On the grave itself I found a rifle, a small kettle with a handful of tea leaves inside, a little wooden box containing ten cartridges, a pipe, a plug of tobacco, matches, a knife, a small telescope, and a neatly coiled rawhide belt. One could see that everything had been lying there a few weeks only. No inscription of any sort. But the

weapons showed that it was a man who had been buried in that lonely spot.

As I leaned against the grave, my eyes wandered around. I tried to picture to myself the faithful companions of the deceased hunter struggling up that hill, bearing on their shoulders the rigid body of their dead; their search for those hundreds of rocks, and the work of piling them, one by one, for hours and hours, until the mound was able to defy the efforts of the wild animals and the incessant pressure of the years to come; finally the long descent to the camp, to bring up again, one by one, the precious belongings of the deceased.

To me, there alone, leaning on that grave on the top of that immense hill, the whole undertaking seemed incredible. The more I thought, the more I marveled, searching for the motive which had prompted those natives, not only to choose that almost inaccessible spot to lay their dead at rest, but to abandon unhesitatingly on his grave that wealth of articles which I knew represented an immense value to them, in their constant bitter struggle for mere existence.

Pagans they were — pagans they still remain. Although they have a certain code to which they are faithful, unlike the old Indians they have no form of worship. Still that grave, those weapons, those articles of daily use, of absolute necessity, carefully laid near the body from which the spirit has just flown — all these must have had a meaning, must prove that somewhere in the innermost part of their hearts there exists a hope, a belief in after life, something to look forward to when ~~the~~ ^{the} last day comes.

And while I thought those thoughts I pulled out my pipe and filled it slowly. It was time for me to go; the icy wind from the lake made me shudder with cold. As I turned for a last

look at the grave, my eyes fell on the little wooden box. Then an impulse struck me. I opened the box, took a handful of tobacco out of my pouch, and laid it carefully inside, closing the lid securely.

VI

The long, long trail was nearly over as far as the Barren Lands were concerned. We were on Ennadai Lake, halfway across already, and our canoe ploughed its way through water as still as a mirror.

It was August, and one already felt the unmistakable touch of the fall. Long strings of duck were flying in all directions, while on land we could see small herds of caribou already migrating to the south. Everything was still. The splash of our paddles as they dipped into the clear water of the lake seemed all out of proportion to the dead silence which surrounded us, while our voices brought out long muffled echoes from the nearest hills.

Hour after hour we glided on, intent on reaching the end of the lake before dark. Little by little the sun went down behind us. Just before sunset we went through the last narrows and entered the southern bay into which the Kazan River flows. And then suddenly the first trees since we had entered the Barren Lands two months before came into view. The rays of the dying sun fell, slanting, on their green branches, and to our tired eyes the first spruces and tamaracks of the Canadian forest seemed to welcome us home.

Instinctively we stopped paddling, letting our canoe drift slowly forward, while we looked back for the last time on the bleak northern land through which we had toiled for weeks.

The sun was setting, like a huge ball of fire, and the lake far away to the north was beginning to flame. Around us the water had lost its tinge of blue,

streaks of purple appearing here and there on its glassy surface. The hills glowed pink where they faced the sunset, while the other side was lost in deep shadows.

A mile away from us, on the extreme southern point of a ridge of rocks, four human figures stood motionless, silhouetted black against the crimson of the sky. The last Eskimos of the Barren Lands, watching us go south toward the unknown country of plenty, where lives the white man!

From where I sat in my canoe I sent

them a mute good-bye. Those four tiny dots appeared to me very forlorn and pathetic.

There they were, at the edge of their native land, but looking south, as if straining for something which was not theirs to have. To me it looked as if they realized that they could come up to where they were but no farther, that an unwritten law forbade them to follow our footsteps, and that the gates of Paradise, the gates of the rich Country of Trees, were closed to them forever.

JOHN DUFFY

BY GEORGIANA PENTLARGE

I

SHE could see her husband from the window of their bedroom as she changed from her work dress into a thin cotton. Her husband was a bent figure of a man, dwarfed by the distance between the house and the narrow brook skirting their farm. She knew that he was propping up the banks of the brook with stones, a chore that he had on his mind all summer. His blue shirt was a mere spot in the green of the meadow between them. He would be down there until milking time. So she would pass him on the way over to Kate's.

She was going to celebrate the twenty-fifth anniversary of their wedding over in Kate's kitchen, drinking tea, and having the first gossip with her sister that she had given herself time for in weeks.

'Kate says I'm not to can all day on my wedding day,' she had announced

at breakfast to the girls. They had risen to clear the table. They looked their consternation.

'Pa, it's Mother's wedding day and we never bought her a single thing!'

His answer had given her a satisfaction that her daughters did not guess.

'Well, I don't know that she would be any happier.'

'It's your wedding day too, Pa!' Sally, the younger daughter, had given her father a poke on his thick shoulders.

Myra was glad that she had spoken out her mind. 'If your father wants to have tea with Kate and me he can come, and he knows it.'

He would n't come — not with his mind set on his work. He had worked all day when Sally had graduated. He probably would n't take time for his own funeral. A bent solid figure of a man she would find him, passing in her

afternoon dress, her blue spotted gown that she had worn to Sally's commencement two years ago.

Heavens, how the girls had worked this last week with the canning! She smiled sometimes, as now, at her fear that college degrees would take them away from her or make them dislike the common work of the house. Their father had said, 'Well, I'd wait and see. I guess you are doing the right thing by them.' That was what she was wanting to do always — the right thing. Certainly she was n't going to let them put in every summer on the farm. If Ruth had the notion that the United States could n't give her all she wanted to know, and study in England was absolutely necessary — well, it might be a kink in her mind, but it was a worth-while kink. And the girl ought to be using vacation time for making money to take her across. As for Sally, that child had wanted to go to Europe ever since she was learning geography in the district school. How she had saved all the post cards one of the boarders, old Doctor Hays, had given her! There was no use in letting her dream about it all her life. She would set her to planning definitely.

Her eyes snapped as she fastened up her hair. Sally's birthday was in November. She would send her a ten-dollar gold piece and a letter with one line in it: 'This will start you to Europe.' It was Sally's kink that she must never indulge herself. In Sally's mind were endless dutiful summers on the farm.

Her eye swept the farm land to be seen from the window — the cornfields with the blue of the hills beyond them, the pasture, the meadow on the other side of the brook, the rich depth of the woods on the road to her sister's. There might be a worse place to spend one's time, but if you were hankering for the uttermost parts of the earth you

might as well go there. And why should n't girls have the chances of boys? Had n't she managed to send Charles away when he was n't getting what he was wanting? She and his father had worked themselves to death for three summers. But the Ford they went about in was from Charles, and he had paid off the last cent of the mortgage they had put on the place to send the girls away. Was n't it better to have him love the place than hate it? What was the use of being afraid to do the thing right on top of you to be done?

She went down the stairs that led into the kitchen — steep, crazy stairs, the work of Grandfather Duffy, who had built the older portion of the house more than a hundred years ago. The door at the bottom was open. She saw Sally and Ruth filling jars with tomatoes. Great kettles were boiling on the stove. The slippery red skins of the tomatoes were moist piles on the table and in two pans. Some of the skins were smearing the floor.

'Well, if you girls want to slide around on tomato skins —' she said to them.

The girls looked at their mother instead of at the unsightly floor.

'Has n't Mother done her hair prettily, the way I showed her?' asked Sally.

And Ruth said, 'It's good you have put on your blue dress. Aunt Kate telephoned there was a surprise over there for you.'

'It's a Mr. Quails that's the surprise, Mother,' said Sally. 'He dropped down on her, bag and baggage, though she has her house full of boarders and she can only put him in the tent. She says this Mr. Quails — Ed Quails, as she calls him — is one of your old beaus.' Ruth laughed. 'Mother, what is he like?'

She said crisply, 'I've not laid eyes

on him for twenty-six years. How do I know what he is like!’

Sally was lifting a kettle from the stove. ‘Do you suppose he’ll come over to call on the whole lot of us?’

‘Sally, if you smash those jars with that foolish way of pouring in the tomatoes, I’ll make you pay for every last one of them. You girls had better be thinking of your own beaus.’ With that she went out of doors. She heard Sally say, ‘I don’t think Mother likes Ed Quails!’

There were goldenglow in the doorway and zinnias and calendulas; and cosmos, lavender and white, were in bloom. She took her way past the barn, where the hired man was mending a harness. The lofts were bursting with the hay. It had been the best summer in years. The road went steeply down a few paces, then up a gentle slope. For a little time her husband was hidden from her. Then again his bent figure. She stopped before him.

‘Why did n’t you plan to go to Kate’s with me? What call have you got to work even on your wedding day, and no bit of fun with Kate and me and the rest! She says Ed Quails has descended on her. Why are n’t you coming along with me?’

Her husband stood up, mopping his red face. His shirt had streaks of perspiration, for it had been warm in the September sun. He had a mop of dark hair, and that too was wet where it hung over his forehead. He was a strong-looking man. Had it not been for his somewhat bent shoulders, he would have looked younger than his wife. His eyes were very black and had a gleam in them when he talked.

‘I mean to have this job off my hands.’

‘You are as stubborn as the day I married you,’ she said, not unkindly, and went on her way. She could go up the road through the woods or take the

scrambling path that would carry her steeply to the front of Kate’s house. She chose the path to save time.

As she emerged from the light growth of birch she saw Kate’s porch. The women boarders were in one corner, rocking and talking. And a man — she recognized him as an all-summer boarder — was training a pair of glasses on the branch of a stunted oak. She was used to boarders who looked at birds through opera glasses, and had a tolerance for them. She reflected that Kate had done well with her boarders.

Kate’s husband, George, had been a waiter in a hotel — head waiter until his health broke down. They had come up here ten years ago when George was only just out of the sanitarium. Neither Kate nor her husband was a farmer. All they cultivated was a vegetable patch. It was the boarders who were profitable. George had an understanding of what would please people. It was his suggestion that they — himself or Kate — should turn down the beds at night. ‘It makes them feel they are getting something for their money.’ He made things look very neat about the house and around the dooryard. And he set up a weather vane on the end of the porch that supplied conversation for each new boarder — though conversation had not been explicitly his intention. ‘What do you suppose that curious weather vane is intended to be?’ asked each person on his arrival. Sometimes an old boarder of genial disposition would begin acquaintance with the remark, ‘So you’ve come to see Mr. Drake’s weather vane!’ It was painted bright orange, green, and blue. It trembled against the green of the trees like a gorgeous bird. George used his spare time in the winter carving animals and painting them. He had learned to do this in the sanitarium. His ducks and his elephants were wonders. Kate and George had put electricity through

their ten-room house this last spring.

Well, her sister could turn down beds if she was so minded. Her own boarders had gotten along with kerosene lamps and had turned down their sheets with their own hands — or, as she grimly remarked to her husband, they could nap on the outside. She was grateful that there was no more need for boarders.

As she approached the kitchen she saw George down in the vegetable patch. He had a neat slimness, a neatness of dress, that made him seem only casually connected with the rows of beans. And she watched him show a summer boarder to the far end of his patch much as he had shown the patrons of a city hotel to their tables. Now he came toward her with his really pleasant smile, saying: —

‘Congratulations, Myra, on your wedding anniversary!’

Her thought was, ‘I don’t think he ever sweats his shirts, no matter what he is doing.’ ‘Thanks, George,’ she said affably.

Sudden laughter from the kitchen windows made her turn her head.

‘They are waiting for you. Kate is serving tea in your honor.’

It was like George to be elegant in his words. He amused her, though she had respect for him. She left him, passing a dozen white napkins bleaching on the grass. Then she went in to Kate’s back door, brushing aside a bunch of goldenglow that, leaning forward under its weight, tickled her warm face.

II

Kate’s kitchen was a large room with a table in the window, where she and her husband and the guests that never paid — relays of cousins from town who were in need of a change of air — sat down to their meals after the paying guests in the dining room had been

served. When Myra entered, besides the waitress — a distant cousin of George, a pleasant-looking girl with black hair and pearl earrings — there was Thomas Egan, come for his two weeks’ vacation from his motorman’s job. And there was Mary Hale, a cousin of Kate’s, with her baby on her lap; she was taking a vacation from her husband and three other children. And there was Edward Quails, and there was Kate herself.

Kate, a thin little woman much worn down by pleasing the boarders and intensity of disposition, crossed the room quickly to greet her sister. She had a sensitive mouth and her brown eyes were forever glistening with their ecstatic vision of life.

‘Now, Myra, I thought surely your own husband would come with you to eat the cake! Poor John!’ She kissed her sister and patted her shoulders. ‘And here is Ed Quails, who says he has n’t laid eyes on you for twenty-five years.’

At that there rose a man who had a bald spot on the top of his head, and clothes that had an air about them, and a mean twist to his mouth, and light blue eyes with a shrewdness it was plain to see had earned him all the clothes he wanted.

Twenty-six years ago Myra Duffy, who was then Myra Daniels, had jilted Edward Quails after having been engaged to him for six days. As she explained it to her husband, John, a year after they were married: ‘For six days I felt a good and kind and brave woman, but not a happy one. And if Ed Quails was n’t making me happy after six days of being my lover, what could I look forward to! A girl wants to be happy above everything else. Yet to break word with him has been a sin on my conscience. And I shall bear the sin to my dying day.’

John Duffy had answered, ‘I see no

sin on your soul — nothing but a foolish notion in your mind.'

Yet she continued to have it on her mind that she had treated Edward Quails not squarely. The idea was buried for the most part. Then she would sigh, 'It was not kind to Edward Quails to say yes and then say no. But if it's a sin I will bear my pains, for it would have been worse to have lived with him.'

And now up rose Edward Quails before her with a bald spot on the top of his head and a mean twist to the corner of his mouth.

'It's you, Myra Daniels,' he said.

'It's Myra Duffy for twenty-five years to this day.' She crossed her arms over her full breast.

'Is it that bent-shouldered man in the blue shirt and no collar down by the brook? I passed him coming up here this morning. His back was wet as a seal. He was sweating away. Is it Duffy in the blue shirt?'

'It's Duffy with black hair and not a bald spot on him. My husband, John Duffy.' Her eyes snapped fire. She had to defend herself against his meanness and the remembrance of her sin.

Kate broke in: 'I'm giving you tea that one of the boarders gave me. He says it's a dollar and a half a pound, Myra. You two sit down in your chairs.'

'How that child grows!' said Myra, observing Mary Hale's baby, who was reaching over for the sugar bowl. He had in his other hand one of George's bright blue elephants. She sat down opposite Edward Quails, for there was no other way about it.

George came in. He whispered to his wife. He disappeared into the pantry. He came back with a bunch of flowers arranged in a glass vase. The vase had been a Christmas gift from Sally Duffy. George placed it in the centre of the table. 'It's in honor of the bride,' he

said, and bowed across to Myra, who was lifting her tea to her lips and crumbling a bit of cake.

Thomas Egan made her a bow also.

Ed Quails and Myra faced each other with the anniversary flowers between them. There was no winking the matter: these two were enemies. The other people in the kitchen divined it after the first round of tea. Mary Hale took her baby out in the dooryard and stayed there with him. Rose, the waitress and distant relative, busied herself on the back porch, ironing napkins. Thomas drew into a shadowy corner of the room and lighted his pipe. George stood near the window, whittling a pigeon from a bit of wood. Kate shrank back in her chair, her bright soft eyes gazing at them in alarm.

'You've got three grown boys,' he said.

'You are trying to anger me. I've got Sally and Ruth and a boy, Charles. How many of your own have you brought up?'

'We've got a girl. No boys.'

'And your wife has had a happy life and a quiet one.' She stated it as a matter of fact, for she was sorry that he had no son.

So she had seen that he had missed something. 'My wife will have silver enough for her anniversary presents,' he said. 'I shall buy her the heaviest there is, and the pattern she wants — a tray and a tea set.'

'We've put Sally and Ruth through college. They care a great deal about study. But they helped themselves too.' She was looking at the line about his mouth. She had noticed it years ago. Whenever he had said a mean thing this line had worked.

He leaned forward across the table. 'Does he still drink?'

'Who?' she asked sharply, stiffening.

'John Duffy. He was fined for drinking and put off the job for drinking

when we worked together before you laid eyes on him — when your mother kept a store.'

Kate cried softly, 'Why call up old times when it's all different now?' That was like Kate, wanting everybody to be happy.

'I'm asking is it different now.'

Myra was looking at him intently, at his lips with the corners turned in. She was thinking, 'He kissed me with that mean mouth of his. He had a week before I was John Duffy's.'

'Maybe you are ashamed?' Edward Quails was saying to her.

'Do you mean of my husband, John Duffy?'

'A drinking man,' he went on, 'leads his wife a hard life of it. I've seen him when he had too much.' He laughed.

She was looking straight at him. To her intent gaze he seemed to diminish, so that there was nothing left but some scant sandy hair and a lot of clothes and light blue eyes that did n't like her. It dawned upon her why he did n't like her. She was a fine-looking woman. She had been so used to being a hard-working woman that she had n't suspected she was good to look at to those eyes that disliked her because she had jilted him all those years ago, and had lived without him and had thrived — yes, had thrived!

And his jibe took her back to her mother's shop, and she was waiting on this man, giving him coffee and buns. And he was telling her that she had straight eyebrows, the straightest he had ever seen on a girl. Just as he said that, a man passed the window and looked for a second that way. Edward Quails had said, 'That's John Duffy, and I'll bet he has more on board than he knows how to manage.' That had been her introduction to John. Edward Quails was now saying to John's wife, 'I've seen him when he had too much.'

Her mother's shop — there had been tables along the wall and a counter and a case for candy and cigarettes, and a shelf with newspapers for sale, on which customers dropped their pennies. This shop disappeared. She was looking over the head of Edward Quails, out of the window, where the chimneys of the Duffy homestead could be seen above the trees.

'Well,' she said crisply, 'so have I.' She caught the scared look of her sister Kate, to whom it always seemed so much better not to mention painful things.

She clasped both her hands on the table in front of her. 'You are right, Ed,' she said with a deliberate quietness, 'I've seen him when he had too much!'

He gave her a look that was almost kind. 'It need n't to have been,' he said.

'What?' she demanded.

'I warned you, did n't I? I came to you like a man, but Duffy's eyes had a snap to them — or whatever it is that takes a girl — and so your judgment was n't good. You will admit to bad judgment, Myra.'

He was talking familiarly with her because for a week of evenings he had been her lover, sitting with her in her mother's parlor. He had n't seen her for twenty-six years, for he went to New York to work in his uncle's store the week after she jilted him, which was a year before her wedding to John. Now he owned the store and could buy a silver tray for his wife, and he thought he owned her too, Myra Duffy.

'What do you know of my judgment?' she said.

'I saw him in his blue shirt down there by the brook.'

'And did you see nothing else?'

'No, except the stones he was setting up, with a great deal of sweating.'

'Did you see the farm?'

'I was looking at John Duffy's wet shirt. And I said, "There's a flask in his pocket." Myra, I said that to myself. "There will be a flask he will raise to his lips if I wait to see."'

'But you did n't wait?'

'No, I came on here.'

'My girl Sally was nine months old when John and I came up to this farm that belonged to his mother and his two brothers.'

'Poor woman,' said Edward Quails.

'And there was another baby coming; that was Charles. And John Duffy's mother thought that a girl who lived in a town and sold coffee and buns was n't good enough to marry her son whether he was drunk or sober. But I baked her a pie one morning and the meringue on it was nearly two inches. I made that pie the morning I found John Duffy and his brothers, Dan and Jim, lying on the other side of the fence at the end of the orchard, and each man breathing out whiskey on the air until it made me sick to shake their shoulders. On the way back to the house I said to myself, "I'll begin with the easiest thing first," and it was a pie to scare that old woman into a civil tongue. Her mouth opened when she saw that pie and then it shut. And it shut down forever on her bitter words to me. She set store by her baking, poor thing.'

'My wife has n't made a pie in ten years — not since she stopped doing her own work,' said Edward Quails.

'Old Mrs. Duffy knitted you sacks for Sally and Charles before she died,' put in Kate, mist clouding her gentle eyes. 'Two blue sacks and a pink one, Myra. Don't you remember how cunning Charles looked in his when I came up to see you?'

'She did her best,' Myra said justly.

'You were saying they were lying drunk, — down by the orchard, — John Duffy and his brothers.'

'Yes, they all drank, and there was

no choosing between them for the sight they were in their sleep or their waking up. I thought the farm would make John Duffy stop drinking, but it was poor judgment. Once in two weeks in town he drank himself to be a log, and it was once in two weeks on the farm. His brothers were as bad. Yet the farm was a fine one with sober men at work on it. Even a town girl could see that. So I said to myself, "It's I, then, that shall run this place. It's I that shall work and set the men to work, drunk or not." I had two children and there would be more coming along, I knew.'

'You have three.'

'There were four, but one died the day he was born.'

'Two sons,' said Edward Quails, who had only one daughter to bless himself with.

Myra said, 'It was a fine boy I lost, though it's not to be remembered with all my blessings.'

'A great pity,' said this man who disliked her for being still a fine-looking woman. 'And you were telling how he drank half the time. Poor thing, it was a hell's life you led with him.'

'He never did a mean thing to me, drunk or sober. But it was a hard sight to see a log for a husband. And it was no good for the children either. Charlie would run to me crying out, "Father has a bottle of it, Mother; I saw him."'

'All I could say was, "You steal the bottle when he is n't looking, and you bring it to me. Every time you bring me a bottle I'll make you flapjacks for your supper."'

'Charlie said the first time, "Will he beat me?"'

'I shook him by the shoulders till he whimpered. I said, "I'm shaking you for saying things against your father. Did he ever lay a hand on you?"'

'Charlie said, "No, Mother," for he was n't a stupid boy. He knew what I was meaning him to understand.

"Then it's a game, like, we're playing with him," he said, and I can see him grinning at me. "I'll bring you the bottles, Mother." And he did. And Sally did and Ruth. She found them too, hidden in places you would never think to look. The children were as bright and sharp at their game as if they got a hundred dollars a bottle instead of flapjacks with syrup. And John Duffy never said a word to me in complaint. He did n't dare. He knew right from wrong, and he knew I knew it.

'One day Sally came running to me, crying, "Mother, Uncle Dan has been killed on the state road by a horse the doctor was driving. And he's all wet with the whiskey that's broken on him. The doctor says he was walking as if he did n't know where he was going."'

'Oh!' cried Kate. 'Why remember that day?'

Myra went on steadily, looking at Edward Quails. 'I thanked the Lord that there was one less for John Duffy to drink with. Dan Duffy was half a man at best. And indeed John Duffy never touched a drop for three months, nor his brother either. You should have seen those two men, working themselves nearly to death. And I made the children flapjacks every Saturday night. And I told John we could wait to sell the timber land. There would be money enough in two years if I took some city folk to board and he worked hard. But at the end of three months there were two bottles found down by the brook. Charlie saw his father stealing down there as if he were afraid to be seen. Charlie was frightened, too scared to play the game. "Suppose my father gets run over in the road!"'

'And there was John Duffy lying a soaked thing in the shed, and Jim Duffy dead asleep in the barn, that very night. I said to the children, "You bring the bottles to me like you

always did. And don't you get scared; it's the game." So it began all over again.

'And at two o'clock one night there was a wild man the children heard screaming and thumping the floor. And my John was too stupid with the stuff to help me manage his brother. And his mother was down sick with pleurisy. I sent Charlie up the road to get help. John's mother, hearing the screams, died with her eyes starting out of her head, poor soul. And my Sally was sitting by her bed.

'Well, when his mother was buried and Jim Duffy was safe put away, I took time to think. I told what I thought to John. I said, "There's an end come."

'He said quietly, "What end?"

'I said, "You know what I mean."

'And he said, "You would be ashamed to go back to your mother in town, with two children to bring up, and no husband."

'And I said, "It's more shame to stay on here with you. So I go if I or my children find a bottle again. It's not right for children to be playing this game too long, and I'm too good a woman to play it." Charles was ten years old then.'

Kate spoke eagerly, 'Myra, the dear man never touched it again. He has made a fine farm of it, the best around.'

Myra turned to her sister. 'He was asking if John Duffy still drank, and I've been telling him no, he does n't.' She folded her arms and looked at Edward Quails.

He scraped his throat. 'Mr. Duffy did n't look up when I passed. Will you give him my regards?'

Myra laughed richly. 'And why should he look up at you? But when I passed he looked up with his two eyes on me. He has never gotten so used to seeing me that he does n't know who I am, Edward Quails. And what good

would your regards do him when you have gone clean out of his mind?' She rose for the pleasure of looking down on this man who had been sin on her conscience for years and years. And she meant to make him so small that she could step on him and not know it.

But he had a good amount of conceit in him. 'Well, you've got a hunch for farming, Mrs. Duffy. But I would rather be six feet under than pass more than three days on a farm, away from what I'm used to. And my wife, she feels the same — a breath of sea air for a while, but no country for her. It gives her the creeps at night — the stillness all around and the snakes everywhere you might step. So we pack up for a whiff of the sea. And it's a good hotel I go to. And my wife, she's as well dressed as any lady on the piazza. She's got a slim figure, which is what I like. Clothes suit her.' He said this looking straight at Myra Duffy's fine large arms crossed over her breast.

Myra was being delighted. She felt free of him. 'It's best,' she said, 'to be suited. Your wife suits you, Mr. Quails. I knew that by the look of you when I stepped into this room. It's a fine thing in life to know that one has been suited. And your daughter, maybe, looks like you?' asked Myra comfortably.

'No, she's the image of her mother, and a fine girl. Sons can be a great trouble, but as I say to my wife, "A good daughter you can put your hands on when you are looking for her." We've been greatly blessed,' said Edward Quails.

'Indeed and you have,' said Kate generously, for had n't the quarrel turned out beautifully — Ed Quails and Myra talking like friends now?

Myra said, 'There will be no supper for your boarders if I don't take myself off.' She looked behind her for good-bye

to George, but he had gone from the kitchen, and she saw that Thomas Egan had stepped outside of the house. He was at this very moment lifting up Mary Hale's baby from the dirt he was crawling into, and the hired girl was picking blueberries.

Edward Quails said no more to her, but got on his feet. He addressed Kate. 'It's only overnight I can be staying. So the tent will do for me.'

'It's comfortable for a single night,' said Kate, pressing her sister's arm affectionately as she followed her to the door.

Myra stepped out into the path that went down between goldenglow and white cosmos.

There was a shed opposite the kitchen door. This was where George Drake kept his tools and paints and brushes and such animals as he could work at during the summer. In the window of the shed was a bright green pigeon, the fresh paint glistening on him.

'He will be bringing that pigeon tonight to John Duffy for a wedding present. It will be like George to do that.'

She took the long way through the woods, for there was the mean face of Edward Quails to forget before she got home. It was a pretty walk: the short gloom of the road beneath the trees that were still heavy as in summer, and then the bright cornfields of the Duffy farm. She passed down the open road with the house and the barn in sight of her up the hill. And she saw a man going from the house to the barn. It was her husband. She went by the brook. The banks were mended. There was only a small heap of stones to be cleared away.

'Would any wife tell of her husband what I did! But I told the truth about him. He's as big as all the truth put together. And Ed Quails knows it. "Mr. Duffy," he said.'

SHELLEY

BY THEODORE MORRISON

UPON three thorns the soul of Shelley bled:
A heart too ardent to be measured out
In earth's unsatisfied and weary bout
Against death and corruption; a mind misled
By lusts and fantasies, although it sped
On shining wings to compass man's relief;
And men, who crossed and cankered him with grief
Lest oracles lose face at what he said.

These thorns became a multitude, and pain
Pierced bitterly and often his sad heart.
Neither himself nor others could he save;
But brooding on the winds, the Titan's chain,
He found exalted songs, and touched the art
Whose tears no ineffectual angel gave.

THE STUMP FARM. II¹

A CHRONICLE OF PIONEERING

BY HILDA ROSE

November 17, 1923

Boy is better and sitting up in bed. Daddy's cough is worse. I cleaned part of the henhouse yesterday. It is very dreadful, and the dust is annoying and makes me feel sick, but I'll finish it to-day. It's a big henhouse, 24 x 16, and has a loft where I keep my small late chicks that the hens are mean to.

December 21. — Boy is almost done whooping, and two more weeks will see him well. Daddy is better too. There are still six sacks of potatoes in the ground, and I have given them up. I dressed up in my best dress and wrapped up warm and sat down on the fence to-night for an hour in the moonlight, hoping that someone would go by that was going to the Xmas entertainment at the schoolhouse. The teacher was going to have a tree. I did n't dare go alone, as I am afraid at night. Nobody came, so I went in, and Daddy sang some old Scotch folk songs, and Boy and I were happy again.

December 23. — It is snowing. So old Winter has come in earnest. I am going down on the prairie to-morrow to get the mail, and mail some letters. My calves are home and look nice. They have been on the range all this time, and just came home this week. I tried to sell four of them, and sent word to seven butcher shops, but they have quit buying of ranchers, and I will have

to peddle to the camps that are logging in the mountains. Dressed veal is eight cents a pound, and I may get enough to pay the taxes. I have counted so much on them, and am so disappointed, as my taxes are a year and a half behind already. Eggs are thirty-five cents and my hens barely pay their feed bill. Boy is trimming a tree for me. He is busy cutting paper, and I have sent for a box of tiny candles that should be in the mail. I have a ball, a tin horn, and some peanuts for his stocking, so he'll have lots of fun Xmas morning. Dear old Daddy is stargazing again. He watches the stars and wonders about them, why and wherefore they are.

December 26. — Seven yearlings, a few almost two years old, are missing. Where can they be? It has turned so cold, and it is snowing from the north. How I hate winter! I have just pulled in some fence rails into the kitchen, and when I get rested I'll saw them up for wood. The wind is rising again, so it will be a penetrating cold to-night. I don't keep a fire at night, as I can't saw the wood fast enough, but we are very comfortable, even when it is twenty degrees below in the house and a drop of water freezes instantly.

January 7. — Daddy and I and Boy drove ten miles east into the heart of the ridge of mountains. We went up a gulch, but we were halfway up the side of the mountain on a trail cut by the Forest Reserve men. A blizzard came

¹The first installment of these authentic letters appeared in February. — THE EDITORS

up behind us, so it got pretty fierce, but we had to go on. Daddy drove the old horse, and we sat on some boards nailed on the front bob of his old bobsled. You could n't take a whole sled in there on the sharp turns on a trail cut barely wide enough to get through. We got word on Sunday that the yearlings were at a logging camp on the Reserve. One of the loggers came down and told us they had been there about two months. It was after dinner when we arrived in camp, but the cook fed us well, and stuffed our pockets with real dandy cookies as big as saucers when we left. The men had been good to the stock and had thrown out feed for them, so they looked good. For shelter they were allowed to sleep in the blacksmith shop, and the men all liked them, for it's lonesome up there.

We started for home, and I drove, and Daddy and Boy walked behind the yearlings, who followed me. I had to go so slow and faced a blizzard all the way. The horses had to pick their own way, as I could n't see. Boy thought his eyes were frozen, but it was only snow on his eyelashes. It was after dark when we got home. I can't tell in words how glad I was to get home. I pulled off Boy's and Daddy's coats and got them into bed, and made a fire, and went to bed myself until it got warm. It's the only thing to do when you are chilled through. Then I warmed up some soup and waked Daddy and we ate a hot dinner by the stove, using the sewing-machine drop leaf for our table. It was no use to try to thaw the kitchen out — it was too cold. When it storms I read aloud to Daddy, and the papers you sent last year I am reading over again, and find much in them worth reading over.

April 14, 1924

I am down on the prairie for two nights. I walk back Wednesday night.

You see, the University Extension Department of Montana sent teachers into the country to teach various things, and I wanted so much to go, I've planned for weeks on how to manage so I could get away. Not so much to learn, although I'll be glad to learn anything, as to meet the teachers and see and talk to a bunch of women once more, for it almost drives me wild to be alone, and it storms so much of the time we only see the sun a few times all winter.

I baked bread and cooked beans and put a pile of potatoes beside the stove real handy for Daddy to bake in the oven, and did all I could to make it easy for him, and took Boy with me so nothing should bother him.

To-night is Monday night, and while I'm a bit tired, having walked seven miles, still I'm so uplifted in spirit that I can't go to bed and sleep. The teachers are wonderful, college girls, and have been out of college and at this work for about five years. They talked and demonstrated hats to-day, and we were all taught frame making. Eighteen women came. To-morrow we cover the hats, and Wednesday we trim. I have n't bought a hat for years, and one of N.'s friends sent me a bunch of old, old hats that had lain for twenty years or more in her closets. 'Lids,' the University women call them. I ripped the braid off, and have material. For trimming they will show us how to make flowers and rosettes of the material itself also. That wonderful cape — it's an open sesame wherever I go. I wore it in M—— and the clerk where I sold my eggs opened the door for me when I left. Such deference to a woman from the backwoods! The University ladies planned my hat to match it, and it's going to be very pretty. The crown is brown horsehair braid, which is so sheer my hair shows through. The brim is tiny and faced

with bright blue silk. It will have flowers of the silk. My eyes are blue and my hair is pale gold. They thought it a wonderful combination. Forgive me if I talk so much about myself; one does n't enter paradise very often.

Up there in the woods where I live (I am on the prairie now) most of the women are very crude and coarse. Against Daddy's wishes (he is an old darling, and thinks I ought to keep away from those women and just be on speaking terms with them) I and the school-teacher called a meeting at the schoolhouse a year ago to see what we could do to alleviate some of the worst cases of distress that came to my ears from time to time. About two dozen women came, and we organized a 'Helping Hand.' To get money we had a stunt night at the schoolhouse, and I made posters and put them up where the lumberjacks and miners could see them. The programme of stunts was most remarkable. It lasted for hours, and then we sold boxes of lunch and made coffee. We took in twenty-nine dollars. We bought a spring and mattress for the dearest old grandma I've ever run across. She is over eighty and was in bed for fifteen weeks without being able to sit up, and lying on the dirtiest straw tick on boards. They met with me, and we dyed flour sacks and pieced two of the brightest comforts I've ever seen. We each pieced seven blocks at home, and used the flour sacks for in between and linings. Grandma was so pleased with them; she said they would pass the time away for her, they were so pretty. Maybe I've told you this before, and how when she was younger she helped over one hundred babies to come into the world before any doctor lived close enough to this district. She came to this country over the Oregon trail in an oxcart when she was seven. Her mother

and father both died on the trail here. Many the hardships she passed through. I'm glad she has a decent spring and mattress under her to-night.

We next met at her shack and cleaned it. I can't tell you all the things this little band of women have done. We are making a layette for a poor woman who has six half-starved young ones. She expects another one next week. Her children are all mentally deficient, but such people breed like rabbits, and babies are so helpless I can't bear to see them abused.

I worry over my debts and twenty-five dollars I borrowed one spring for seed, and have n't been able to pay back yet. I counted on selling my calves when they got big. But I was n't able to find a purchaser. Times are so hard there is no sale for anything in this Western country. There is an embargo on cattle west of the Rockies and cattle don't sell. I have n't paid the taxes for two years now, and this year's are due this fall again. I hope for better luck this summer. No, I cannot take a crippled old man, sick half the time, to California, or anywhere else. He has to stay here until he dies. He can't live anywhere else. You know they get crotchety as they grow old.

Boy is a great help and comfort, so I shall tell you about Boy. He has always been a remarkable child, odd, yet fine and strong. Just as soon as he gets among other children you notice how different he is. He sings to himself, and two years ago a sister of Daddy was out for a visit and tried to listen to hear what he was singing about. But he was too bashful. I never paid any attention to it, but after she had gone I got a pencil and paper and wrote down his songs. I have n't them here, so I'll write more about them after I get home.

The verse in the Bible about 'Knock

and it shall be opened' seems to have a special message for me. For you see Boy and I are planning to go to college after Daddy is gone. I have always wanted to go, and that wanting is increasing every day. So some day a little old, old lady and a young lad will knock at some college door. Will they open for us? The message in the Bible says they will. It does n't say we have to have money, but just knock.

April 20. — Time passes so quickly when you have more than you can do. Since that dreadful day we went after the yearlings I've had to be legs for Daddy all I can. He froze one toe and the varicose veins broke soon after, and he has a dreadful leg.

I am going to write to the University and see if they won't come and help the women up here in the hills. It would be such a treat for them.

December 20, 1924

We are right in the middle of a cold snap. I expect it to moderate in a week or so. We had an early winter this year. It was thirty degrees below zero two nights ago, and now it is twenty-five degrees below zero. It would n't have been so bad if the wind had n't blown so hard. I never saw a stronger wind. It uprooted many trees. I could hear the crashing, and the snow, real fine, sifted into the house everywhere. If I spill a drop of water on the kitchen floor, it freezes instantly. The Woman's Club I started up here had three days' instruction from the University Extension. They enjoyed it so much. Now there won't be any more until spring.

In spite of the drought, we got a big load of ripe wheat hay off of five acres. This has been the driest year we've had, but my little garden did well and I canned 125 quarts of green vegetables off it, besides the roots I grew for winter. Daddy put the hay in a shed,

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and then hitched up the old team and drove them round and round until it was threshed out. The horses were eating big mouthfuls of it, and I told Daddy he ought to tie up their noses. But he would n't, for it says in the Bible, 'Muzzle not the ox that treads out thy grain.' This Bible verse taught him how to do it also, for he had never seen or heard of threshing grain before in that way. Then we raked off the straw, and on a windy day we cleaned out the chaff by pouring it from one pan to another. I grind it in an old coffee mill and cook bread out of the fine meal and gruel from the coarse. A scone baked in the iron spider, from sour milk and soda and this meal, is just fine. I bake one every day. The reason I use the spider is because it requires no greasing. But last month she began to stick and it was so provoking. Daddy joked about it and said the old frying pan got hungry. We were all hungry for fat, for the old cow dried up when the drought came. I get just a little bit of milk to cook with. Taxes had to be paid, so I helped Daddy butcher Blue Bell, a small cow, and then we drove to town and tried to sell her. The butchers all told us they were buying only of the packers, so we went home again. It was bitterly cold, the roads were bad, the horse slow, but I had two bricks (hot) at our feet and we got along fine. Now we are eating the cow and it is certainly grand to have both meat and fat to cook with again. Daddy feels so cheerful that he sings after meals. He can't carry a tune, but it's nice to hear him sing. So far he has been well.

We have a new mail route. It starts on the sixteenth of July this summer, and my Woman's Club up here is what did it. I am so proud of my club and the way they work together. We have twenty-two members now and some are foreigners. A few objected to the

foreigners, but I told them these women needed to be Americanized, and that settled it. One of them, an Austrian, is beginning to eat with a fork, and that shows intelligence and desire to be like others. So we get to know each other better, have a community spirit and grow more charitable toward each other.

I picked berries on the prairie, and apples in the fall. I broke a finger on my right hand and sprained the joint on it, too, by falling off a stepladder the first day I picked apples. I tied it up and went on working, because I had to. Winter coming on, there was no choice. It ached fierce and is tender yet and a little crooked, but I don't think it will bother me when it gets strong again. It's next to the little finger and I spare it all I can.

March 25, 1925

The magazines you sent me were very interesting, especially as I am working on somewhat the same line with the women up here in the mountains. They are settlers on the cut-over land, and homesteaders, and the land is sterile and frosty, but those that have men that are able to work get along fairly well, as there are logging and construction camps here and there and they can get work.

I started a club two years ago and have now twenty active members, and they are so active and full of life I find it hard to give them enough to do. I should like to join them up with some state organization of women's clubs. They have hard lives, but have big families, and it's an education to these women to get together every other week and discuss welfare work and do things together. Having nothing else, the club is absorbing to them, and the way they tackle the work and obstacles in the way is certainly inspiring. We have started a debating

society at our schoolhouse, which meets every other week. Sometimes we have a spelling match for a change, and sometimes just sing while the teacher plays the organ. It is a sparsely settled community and we have small one-room schoolhouses, so three school districts have to get together for any kind of entertainment. Our school is central, so we always meet there.

I have lived here now, on the prairie and up here, nineteen years altogether, and I am behind the times in many ways. It was so good of you to send me such nice things. You can never realize what they mean to me, for I stay home from the prairie club many times because I'm not presentable. If it's a nice day, I'm going to a meeting there to-morrow afternoon and wear the new voile dress you sent. It fits as if you had fitted it on me.

I am forty-five next October and I weigh eighty-six pounds, but I am well. Restricted by nature and circumstances to a simple and wholesome diet, I can't help but be well. Because I was so small, I resolved to raise a Better Baby, and my small son is as large now as any ten-year-old in this part of the country. I planned for a baby all my life, and I picked the best Daddy for him. My only regret is that he is so old now, but I am trying to take good care of him so Boy and I will have him with us many years yet. Daddy is a treasure. I don't know what life would be without him. He calls us his two children, and he's never cross, no matter how tired or ill. He was seventy-two last month and has a white beard like Burroughs.

I can't raise many chickens because the coyotes are so bad. They seem to have increased at a most alarming rate lately. Next winter I'm going to have a line of traps for them. I shall work on the places to set them this summer. They are hard to trap, but I may be

able to get enough skins to buy shoes and clothes for the boy. He is eight this spring and dreadfully hard on clothes.

It will soon be time to put in garden now. I plant about an acre altogether of garden stuff and potatoes. It's all I can take care of myself, but Boy is getting big enough to help me now and I have rented an acre of irrigated land on the prairie — very rich land which I will put into mangels and beets for the cow. I get two thirds of the crop, but I have to weed and water it. I see I have to have something besides straw for the cow, in order to make milk. Sometimes Daddy is able to work, and sometimes not; so I have learned to go ahead, and if Daddy feels able to help I'm very thankful, but I never count on it. I think he feels better this spring than for several years, as he had a good winter; the way he puts it, 'I wintered good.' Mostly due, I believe, to the fact that he had greens of some kind at every meal.

The University Extension for the Rural Districts has been a great help to me the last two years. I have learned so much from them. The coming year they will teach us more about foods and their effects on the system. What I have already learned has been a benefit, but I am looking forward with much interest to the classes this summer.

March 25, 1925

You are certainly the best and dearest to write to me when I neglect you so. But my life is so full of work I can't write, at least as often as I would like to, and I do love to get letters.

I was delighted to get a new friend and I clasped my hands with joy, and then Daddy said, 'Go slow. If Mrs. T. and this club lady knew what sort of women you have taken up with, they'd have nothing more to do with you.'

So, now, Mother Superior, I come to confession and I need advice. On only one subject are Daddy and I out, and that's my new club up here. You see it's this way. At heart Daddy is an aristocrat. He'll quote Bobby Burns about 'A man's a man for a' that and a' that,' but he does n't practise what he preaches. He considers me so fragile, so nice, so dainty and everything, that I must n't have anything to do with anybody who has the least blemish on her reputation.

So for twelve years I have minded him, and then I could n't stand it any longer. I started this club. It has twenty active members and they are all living straight now. The club is keeping some of them straight, they are so anxious to belong. Here is what some of them are: (1) Mrs. C. has two children and almost kills herself once a year to avoid a baby. (2) Mrs. T. is not married, but says she is. We all know better. She lives with Mr. T. and has two children, and does what Mrs. C. does every year. She has wretched health like Mrs. C. (3) Mrs. S. left her husband one winter and lived with the hired man several months. Her husband told her to get a divorce, and she did, but married, not the hired man, but the Greek cook at a railroad construction camp east of us last fall. She is fifty and he is thirty, and it is a poor match. (4) Mary has an illegitimate child, eleven years old, but is a fine woman, and has a good husband now. (5) Mrs. N. is an Austrian and can't speak good English yet, but she has three nice children and a good reputation. (6) Mrs. M. kept what we call 'two husbands' up here. It's hard to make a living, she had many children, and an extra man to work was a great help. When I moved up here fourteen years ago there were seven women who lived with two husbands. Mrs. M. was put out of the Farmers'

Union because she kept two husbands, but she is living straight now. (7) Mrs. A. is a coarse type that you find in logging camps. She is used to fighting and hair pulling, but has become very sedate and peaceful now. (8) Mrs. W. has spent twenty years as cook in logging camps. The hard work has refined and aged her.

I could go on like this all night. These women have many children, swarms of them in some homes. Daddy claims they are not in my class, that he who touches pitch will be defiled. Then something heart-rending will happen and he'll say, 'You'll see the nice women on the prairie won't speak to you when they know who you consort with.' And I tell him it is n't so. The women on the prairie are too busy painting their complexions to worry about me, and the University Extension ladies just love me and tell me how much I'm helping them.

Maybe Daddy is right. I'll confess this much, I don't feel the aversion I used to to a fallen woman. This aversion was the result of my mother's extremely Puritan ideals. One day a girl of sixteen came to a school entertainment in our schoolhouse here and she had in her arms a six-weeks-old illegitimate child by a married man. She was there on a seat all alone, and I just picked myself up and went and sat down beside her and held the baby for her. I would have done anything to bring her to lead a good life, but she went to the dogs just the same, and is so miserable now. If I'd had my club this would n't have happened. But it was years ago. Now in the city you'd cut dead these women with a past. I know it. A nice woman on the prairie had made a misstep in her youth. She came West to start a new life. An old neighbor saw her and told about her. Nobody goes near her now. That's what Daddy goes by. I used to feel

that I must read, study, to go back into the world some day and be broad-minded and take my place and associate with cultured people once more. You said my last letter was cheerful, and I'm glad. It's because I've found my life work. This section has a bad name, and it's because it's poor and hidden in the timber and mountains. I shall change the bad name to a good name if I live long enough. It's uphill work.

Well, I tell Daddy I'm in now, with both feet, and as long as I'm true to myself it does n't matter what other people think about me. As far as I can see, it does n't make any difference. The prairie club insist that I must belong to their club down there, and I try to get down there once in a while. There are fourteen members — it's limited to this number. They dance and play cards and meet twice a month. They are very exclusive, up to date, and I have n't the clothes to attend in, so I have n't gone much of late years. Every summer when my garden is ready, so I have peas and lettuce and new potatoes, I stuff a couple of hens, and have the club all up for dinner. Then the vines and bushes cover up the tumbledown looks of the place.

Every summer Boy and I make bird houses. They are rough and crude, but the birds don't care, and so every year we add new folks to our bird village, for that is what the garden looks like. Last year two pairs of wrens moved in, and we already had a martin, several bluebirds, and three wren couples, besides the birds that build their own nests. I have learned to make the holes small in the bird houses, for sometimes I've had trouble with the pine squirrels who go in and eat the eggs.

One day about four years ago I went down on the prairie after my mail. We did n't have a R. route up here then, you know. There were several mail

boxes down there, and a large dumpy woman was getting her mail too, and I saw that she had been crying. I knew who she was, but had never met her; but I started in to talk to her, and as everybody tells me their troubles it was n't long before she told me. They were dreadfully poor, trying to pay for a place, and she was going to have a baby. She had three nice boys, and she wanted a girl, and the tears ran again, she felt so bad. You see, Mr. C. did n't want the expense of getting a doctor or even a woman. He said he had always tended to stock and never needed to call a doctor and he guessed he could tend a woman all right. Well, I happened to run into a woman down there who used to be a trained nurse, but is married and has a family. I told her about Mrs. C., and she said she'd look after her for me. She did. She told me about it one day. A few days before Mrs. C. would be confined she walked in with her suitcase and said she'd come to stay awhile. And she sent for good old Dr. H. and he had to take the baby; but it's a lovely little girl, and the mother just adores it. So now you have one of my baby stories.

It takes money to run the club up here, there are so many in trouble, so we pieced a quilt and raffled it off at the schoolhouse last week, and took in twenty dollars. We found an old woman living in a shack with her son, and she was nearly ninety. We sent her a potted plant, and she cried, and said she thought nobody knew about her and everyone had forgotten her. The old woman who came out in an oxcart over the Oregon trail when she was seven died last summer. Well, we made her last days comfortable, anyway. I met a rough lumberjack one day, and he says to me, 'I did n't think much of your club when you started it, but my hat goes off when I meet any of youse now.'

July 3, 1925

My club up here had one meeting in our little acre cemetery, and we fixed up things real nice. Some raked and burned up the accumulation of years, while others lettered names and dates on white-painted headboards for the baby graves. We put up eighteen of them in the afternoon. It was a busy day, but everybody seemed happy. The happiness that comes from doing.

July 19. — The garden is burned up by the sun, and not a drop of rain for weeks. The peas dried while in bloom, except the early ones, from which we had a few messes. The potatoes held out the longest and have tiny potatoes like small nuts, but real good, and I'm using them as long as they last. Such a nice garden as it was in the spring, and to look at it now! While pulling up the dried pea vines for the cow, I thought hard. If you think hard enough and long enough on anything, it will finally come to you. Down on those irrigated tracts there was garden truck nice and green, and I had no money. But I made a proposition that had 'come' to me and the result is I get canning to do on shares. I have finished the peas and have seventy quarts for my share and am working on string beans this week. I pick them before it's hot and get up at four o'clock to do so. Shelling so many peas was trying, the days are so hot, but it's over with and I feel good when I look at my jars of peas. Boy goes with me and we walk, but it's nice and cool and we never start for home until after seven. After the beans, there will be squash and corn to can. It has made me very happy. In a dry year, I must have more provisions, as I must reckon on enough to last nine months at least. I divide up my supplies into nine parts and as I come to each month's allowance I divide it into so much for each week. Early settlers in New England

used to do that and Daddy chants a line (when things don't hold out and he has to go short in the spring) that says, 'Only five grains of corn, mother, only five grains of corn.' He varies the number of grains each time; sometimes it's six grains, and sometimes seven. But I'll get through to grass nicely this year, for I'll have milk. Other years the cows dried up on the poor feed, but this year they are going to have beets, a pailful each twice a day. That's why I work so hard on my acre of beets. Last year we did not have a drop of milk until spring, and determination to have milk another winter helps me to weed and water the beets on the prairie. Daddy and Boy help to water them and they are looking fine.

'Be a living question mark,' my old professor in physics used to say, 'and you'll never grow old.' I believe I live up to it, for I question the why of everything and get no answer. There are so many things that would make this life happier, why must I go without? These are questions I ask of life and get no answer. If it were n't for 'make-believe' I'd give up and become an old woman, tired and discouraged. But Boy has named me Jenny Wren, and who ever saw a mother wren tired? She's busy, busy, busy all day long hunting grub for her nestlings, and so am I. But I take time to swing in Boy's little rope swing under the old apple tree and we have a teeter-totter in the barnyard and we do have fun. When I play, I'm Jenny, but at night I am just 'Mother.' If you ask Boy what his mother is, he'll tell you: 'She's just a little girl.' The other day he was out in the barnyard with Daddy and he saw me in the garden. He turned to Daddy and said with a grin, 'I wonder what that little rascal is up to now.' It amuses Daddy. But I have always loved children and one must

have love and infinite patience with small children. Which reminds me that I was reprimanded once by the principal because my kiddies made so much noise at times that the room above was disturbed. We were just having fun and playing games and I toned them down, but that principal did get a good jolt a bit later. There were twelve rooms in the building and I had the primary with sixty babies in it. A much-traveled woman, who was a member of the school board, went around visiting the schools and dropped into my room one day. I did n't know her, but my children treated her fine. She liked us so well she stayed all afternoon and became one of the family. Later she addressed a principals' meeting (nineteen big schools in our city) and this is what she said, I was told: 'I have journeyed in many lands and have visited schools in this country and in Europe, but I have at last found the perfect school right here in my home town, in Room 1, at the Jackson School.'

You see, the old superintendent and I were chums and he gave me nearly everything I asked for. When I wanted a kindergarten table and chairs, he hunted them up in the garret of an old church (the Sunday school had discarded them) and he let me teach in my own way, which was original to say the least. I was the mother and they were my children. They answered the door and seated visitors and talked to them. We did the regular kindergarten work and first primary combined, but that did n't take us long and we had games and stories the rest of the time and visitors nearly every day. I had no rule except to be kind and not too noisy. They were free to walk and talk to each other, and everyone was so busy and happy the time just flew and soon the gong rang to go home.

(To be continued)

THE RIGHT TO LIVE

BY CLAUD MULLINS

I

THROUGHOUT history the curse of Democracy has been the mesmeric power that phrases exercise. Every country has its experience and no country seems to learn its lesson. Every popular movement has given rise to what a distinguished American has described as 'practical fooleries of the sort which have generally ruined revolutions' (Andrew Dickson White in his essay on Cavour in *Seven Great Statesmen*). Some countries, notably the United States, have succumbed to the fascination of abstract and unsound theories and yet have been able to survive them by ignoring them. Probably the assertion in the Declaration of Independence that 'the laws of nature and nature's God entitle' peoples to assume a 'separate and equal station' proved awkward at the time of the American Civil War. Similarly the assertion that 'all men are created equal' may prove to be uncomfortable propaganda if ever Socialism seriously raises its head in American politics, as may also the declaration in the Clayton Act of 1914 that 'the labor of a human being is not a commodity or article of commerce.' These brief and ill-digested generalizations often turn out to be unpleasant boomerangs. So far, however, the United States has escaped the disturbing effects which frequently follow on their adoption. France, too, since the Revolution, has pursued the even tenor of her ways without any practical attempt to reconcile the incompatible

first and second words of her national slogan, 'Liberty, Equality, Fraternity.' England has been more fortunate, for no such absurdities have been embodied in her historic constitutional documents. Magna Carta and the Act of Settlement, for instance, are prosaic reading, considering what vast changes they effected. Englishmen have no 'Declaration of the Rights of Man' and, being practical people, prefer to concentrate on actual issues; they have a healthy distrust of this kind of democratic vanity.

But even in practical England the fascination of the phrase is very strong. To-day, thanks mainly to post-war economic depression, England is suffering from a bad attack of democratic abstractions. The democratization of our machinery of government has resulted in a wide adoption of the idea of abstract 'rights.' That word is more used on political platforms in England to-day than any other. It underlies the whole programme of our Labor Party; it is the predominant factor in the propaganda work of the Liberal Party, and it is influencing more and more the legislative activities of the Conservative Party. To-day no candidate for political office, except perhaps in the City of London or a university constituency, would stand much chance of election if he boldly asserted that most of the alleged rights of the people had no foundation. The mass of the people to-day loves to be flattered,

just as much as the Romans of old, the French of the Revolution, or the Americans of the time of Jefferson.

In all countries which, in their various ways, are treading the democratic path the big issue, independent of the coming and going of governments, is the advance of Socialist principles. For the time being the United States, thanks to her isolation and her present economic prosperity, is less affected than other countries. The Englishman looks on with envy at the minute size and the nonpolitical conduct of the American trade-unions and at the apparent content among American wage-earners with the doctrines of individualism. But when economic depression comes in the United States, Americans will probably find that neither their high tariff nor Ellis Island gives much protection against the creeds of the Socialists, and then perhaps the reckless generalizations of the Declaration of Independence may prove awkward. Certainly in all the older democratic countries, and in Australia among the newer, the growth of Socialist doctrines has been enormous in the last twenty-five years. And the basis of Socialism is a belief in abstract rights. Above all else the right to live is the predominant claim of Socialism.

This phrase, 'the right to live,' has many meanings. In the sense that every human being has a right to continue his existence if he can, the phrase is true and innocuous. This is the sense in which the idea is incorporated in the Declaration of Independence. But this is not the meaning usually attributed nowadays to it. In the political world it means that there is a right to be maintained by the community. The demand of the Socialist, whatever be his nationality, is founded on the assumption that everybody born into this world — unless, of course, he is of the 'idle rich' — has a right to be fed,

housed, clothed, educated, insured, and pensioned. The right to live is meant as an assertion that people have a right to be guaranteed the necessities of life for themselves and for as many children as they may happen to bring into the world. This is the doctrine that is in varying degrees permeating political propaganda in all democratic countries.

Once this conception of a right to live is faced and analyzed, its absurdity is quickly apparent. Englishmen are in a specially favorable position to realize this absurdity. We inhabit a country in which, according to the present habits of civilized people, it is impossible for us to grow all the food necessary for our maintenance. It is said that if all the inhabitants of Great Britain accepted potatoes as their main diet, then we should be self-supporting as regards food; but that is scarcely a practical proposition. Reasoning Englishmen understand that, if we do not export goods for sale to other countries or perform some other services for foreign lands, then we cannot obtain the food that we need from abroad. As a nation we can, then, only have a right to live if other countries have a corresponding duty to send us food supplies; but such a duty has never been suggested. Obviously, therefore, our national right to live is no part of the laws of Providence or of nature. If, therefore, we have no national right to live, how can Englishmen as individuals have any such right? The Socialist conception of an abstract right to maintenance for every individual, or at least for every wage-earner, implies an obligation on every individual to maintain his fellows. A right in the sense that Socialists use the word is only possible if there is a corresponding duty on someone else. So what the Socialist theory really amounts to is that we have a right to get what we want and equally a duty to give everybody else what he

wants; it sounds a little like everybody living by taking in everybody else's washing.

The plausible, though fallacious, objection to this argument is often made that there is this duty to maintain our fellows and that this duty is imposed by Christianity. The fallacy here lies in the failure to appreciate the difference between a moral duty and a legally imposed obligation. Every Christian acknowledges the precept, 'Bear ye one another's burdens,' by which is meant that we are all under a duty of voluntary benevolence. This is poles apart from the kind of con-script charity which Socialism seeks to impose. If, for instance, a coal miner in the summer of 1926 came up to me and said, 'Conditions with us are very bad, so please help me to feed my children,' I should as a Christian feel a moral obligation to help. But if the coal miner said, 'The economic conditions with us are such that I cannot get the wage that I feel I ought to have, therefore you have got to maintain me,' surely there is no obligation imposed by Christianity to provide such maintenance. It is becoming increasingly fashionable to erect unsound economic theories upon a basis of misinterpreted Christianity, but so far as this right to live, as interpreted by the modern Socialists, is concerned there is no support to be found in Christian teaching.

II

There could be no better proof of the widespread adoption of the Socialist theory of the right to live than the coal strike in Great Britain which lasted from May to December, 1926. It was apparent in the summer of 1925 that the economic situation in the coal industry was such that the then rates of wages could not be continued. The necessary funds simply were not in

existence. In August 1925 the agreements between coal owners and the Miners' Federation came to an end, and a stoppage of work was avoided only by the Government undertaking to make up temporarily the difference between the previous wages and the wages that could be paid. While this subsidy lasted, an official Coal Commission surveyed the whole situation and in April 1926 made its report. Negotiations were then resumed. They broke down. The so-called General Strike took place, and failed lamentably. The official leaders of the whole trade-union movement then recommended the Miners' Federation to accept the modified terms that were by that time available, but the Federation refused and a seven months' strike ensued.

From August 1925 to the collapse of the strike in November 1926 it was never suggested that the colliery companies were not offering the maximum wages that could be afforded. It was said that by compulsory reorganization of the industry economies could be effected which would provide funds out of which higher wages could ultimately be paid, but not even the firebrand leaders of the Miners' Federation claimed that future economies could at once increase the funds available for wages. The strike was called and continued simply and solely on the claim by the Miners' Federation that they had a right to the standard of living obtaining before August 1925. The whole essence of the dispute was not only a right to live, but a right to live comfortably. The demand was that, irrespective of economic facts, the miners must be guaranteed their standard of living. The secretary of the Federation was quite candid on the point. He even went so far as to say that the Federation 'stood for the maintenance of the old wages and conditions and

the status quo whether one pit worked or one hundred.' In other words, the claim was that, even if the bulk of the coal mines never reopened, the miners were entitled to their right to live.

This startling claim — made and adhered to for many months, it must be remembered, by the official of a Federation which represented over a million miners — is even now not withdrawn. Though the miners failed ignominiously to establish the principle, the demand for the right to live independently of economic conditions still continued and few, if any, politicians dare do other than render lip service to it. Many trades in England to-day have wage scales which are entirely out of proportion to the ability of the concerns to pay. These are the 'sheltered' trades, where there is no international competition. Thus the London tramway men struck work in 1924 when their demand for increased wages was refused. It was proved conclusively that not only could the tramway undertakings — most of which are owned and worked by the municipality — not pay increased wages, but that they were losing hundreds of thousands of pounds of public money every year on the then existing scales of wages. No matter. The demand was made and the strike was called. A Labor Government happened to be in power and forced a settlement in which most of the demands of the trade-union were conceded. This was an acceptance of the principle of the right to live of which the Miners' Federation were not slow to take advantage. Many other examples could be cited.

Though the miners failed to get this principle accepted in their case, the policy pursued by the (Conservative) Government during the seven months' strike went very far toward an admission of state responsibility for the maintenance of all and sundry. Every

miner on strike was allowed to draw what we in England call 'out-relief' for his family from the local government authorities. In the message to the United Press of America which Mr. Baldwin, the Prime Minister, sent in August 1926, it was stated that 'it is estimated that the amount actually received from the Guardians [the local Poor Relief authorities] by the wives and children and other dependents of the miners in England and Wales per week during the month of June was not less than £230,000. In Scotland an approximate average of £25,600 per week was received during the same period.' These figures were independent of voluntary charitable relief and of such other municipal relief as the provision of meals for school children, and so forth. These enormous sums were paid out week by week throughout the strike, and on November 16, 1926, shortly before the final collapse of the strike, the government spokesman in the House of Commons stated, rather proudly, that the cost of relief in mining districts during the strike was £5,800,000 above normal. The number of persons in receipt of poor relief in mining areas increased by 337 per cent during the strike. On the same day a Cabinet Minister declared that 'it might not unfairly be said that the strike had been financed by the Boards of Guardians' — the official local authorities, whose funds are derived solely from the rate-payers and taxpayers of the country. Not only were the wives and families of miners thus subsidized during the strike, but additional allowances were made, above the usual scale, to cover the fact that the miner himself was not legally entitled to relief.

That this could be the state of the law is scarcely credible. A powerful trade-union, knowing that its wage demands could only be met by means of a government subsidy, calls all its

men on strike and, while the country loses hundreds of millions sterling in trade losses, the Government maintains the families of the strikers. Could there be any more glaring example of what the acceptance of the right to live leads to? Unfortunately there was legal authority for the Government's policy. In 1900, in the case known as *Attorney-General versus Merthyr Tydvil Board of Guardians*, the English Court of Appeal laid it down that 'able-bodied men who can, if they choose, obtain work which will enable them to maintain themselves, their wives and families, but who, by reason of a strike or otherwise, refuse to accept that work, are not entitled to relief, except that, if they become physically incapable of working, the Guardians may, to prevent their starving, give them temporary relief. The wives and children of such men, however, are entitled to relief.'

Can it be wondered at that great strikes, usually inspired by purely political motives, have become increasingly menacing? In 1919, 35,000,000 working days were lost in Great Britain and Northern Ireland through industrial disputes; in 1920 the number fell to 26,500,000; in 1923 it was 10,500,000; in 1925 it was 8,000,000, and from January to October, 1926 (a period which includes only six out of the seven months of the coal strike), the number was 143,500,000. If the right to live was ever really acknowledged, presumably the similar figure would be the number of workers multiplied by the number of working days in the year, and then perhaps the Socialist paradise would be achieved—in theory.

Lest it should be thought that a Government earns any gratitude by pouring out public money in thus accepting the right to live, let me quote an extract from a resolution passed by the executive of the Miners' Federation

in August 1926, when already complaints by the taxpayers were being heard against this squandering of public money: 'The Government has definitely decided to assist the mine owners to defeat the miners by starvation.' Throughout the strike, on every Socialist platform this accusation was made, and it is being repeated and will continue to be repeated for many months. Although the Government allowed public funds to the extent of nearly six millions sterling to be used in maintaining strikers' families, the Government is charged by every Socialist politician with starving miners and their families. Every politician who is tempted to bribe the electorate out of the taxpayers' money might well take warning. There is always someone round the corner who will bid higher.

III

The effects of the adoption of this part of the Socialist creed are multifarious. The most obvious is the enormous increase in national and local taxation, which in its turn intensifies unemployment by reducing the funds available for industrial enterprise and by increasing the selling price of commodities produced. According to Sir Robert Horne, M.P. (November 10, 1926), eleven shipyards on the Clyde, which paid in 1914 among them £17,000 for the poor rate, had in 1924-25 (before the coal strike) to pay £61,000. This was for local taxation only; but the social and moral effects are no less serious. Reliance on the State is incompatible with a true feeling of individual responsibility. It teaches men to ignore the possibilities of voluntary coöperation and self-help. During the British coal strike, a distinguished economist, Dr. Bowie, made the striking statement that 'the miners had lost in wages through industrial disputes

since the formation of their Federation a sum which would have enabled them to buy up — lock, stock, and barrel — the whole of the collieries of the country. In voluntary absenteeism they had lost an equal amount. The community had lost at least four times the present capital value of the collieries.' It is always an expensive task to attempt to force public opinion or government authorities, and it is a tragic thought that in propaganda and strikes the miners of Great Britain have wasted — without in any way attaining their full object — at least as much as the purchase price of their industry. It is estimated that during this last coal strike alone the miners lost sixty millions sterling. There were previous coal strikes in 1912, 1920, and 1921.

But there is another and even more serious side to this. As Socialism progresses, it saps the self-respect of the public. Twenty years ago the ordinary Englishman felt it a disgrace if he or his family was compelled to receive public assistance in any form. Now, thanks largely to the Socialist schemes set on foot by Mr. Lloyd George under the name of Liberalism, this healthy feeling tends to disappear. It was Mr. Lloyd George in 1908 who raised the cry, 'Ninepence for fourpence,' in connection with the introduction of a compulsory scheme of state insurance. Such doctrines have spread. To-day poor relief has become the normal means of livelihood for countless thousands. In June 1926, Liverpool had 53,000 persons in receipt of outdoor relief alone. Sheffield had 43,000. These figures do not include the vast numbers who receive payments from the funds of the national insurance schemes. After the Great War there was a wave of sentimentalism in all the combatant countries. In England, among other things, it produced Section 9 (1) of the Representation of the

People Act of 1918, which enacted that 'a person shall not be disqualified from being registered or from voting as a parliamentary or local government elector by reason that he or some person for whose maintenance he is responsible has received poor relief or other alms' — a change in the law which upset a fundamental principle of British policy which had been established for nearly a century. It is scarcely surprising that elections to-day, both municipal and parliamentary, develop into orgies of bribery. After the last municipal elections, in November 1926, a Sheffield magistrate wrote to the *Times* to complain that the Labor manifesto in that city had one paragraph which stated 'that all unemployed should either be found suitable work or paid the standard rate of trade-union wage' — a demand which is merely the right to live in up-to-date phraseology. 'What earthly chance,' wrote the magistrate, 'has a plain, straightforward civic worker, either Liberal or Conservative, against an inducement of this kind?' Sheffield gave the answer. The Socialist Party swept the Sheffield City Council.

One extraordinary feature of this spread of Socialist doctrines is that it is in the face of hard experience in the past. A hundred years ago conditions were similar — thanks mainly to the Napoleonic Wars. A famous Poor Law Commission was appointed, and in 1832 it reported 'that the fund which was directed to be employed in the necessary relief of the impotent is applied to purposes destructive to the morals of the most numerous class and to the welfare of all. . . . The great source of abuse is the outdoor relief afforded to the able-bodied.' But in those days paupers had no votes. To-day it is a harder task to put matters right.

Two other instances showing the result of accepting the right to live may

be briefly mentioned. During the Great War there arose in most countries a serious shortage in houses. In England it was necessary to pass a whole series of Rent Restriction Acts which limited the amount by which rent or mortgage interest could be increased and which put severe restrictions upon the right of a landlord to eject a tenant. At once enthusiastic believers in the right to live put forward all kinds of monstrous claims. It was necessary for the courts of law to decide that a chauffeur who lived rent-free in his employer's premises could not indefinitely stay on, still paying no rent, when his employment terminated. In Glasgow an organized movement was set going to refuse to pay any rent at all for many months because some astute lawyer had found a technical flaw in the formal notices which landlords were by these Acts compelled to serve. A special act of Parliament was necessary to put this right. Such claims could never have been made if people were not becoming acclimatized to the idea that they had a right to be maintained at other people's expense. During the short period that the Labor Party was in power at Westminster the Government actually introduced a bill to enact that no landlord could eject an unemployed tenant, even though the latter could pay no rent. That was going a little too far and the bill was withdrawn. Secondly, there is the serious effect on emigration. One is tempted to wonder whether Virginia or New Zealand would ever have been founded by emigrants from Great Britain if Socialist doctrines had been fashionable a few centuries ago. Given a right to live in the old country, why should anybody trouble to cross the seas? Already there is a serious falling off in the emigration statistics, a fall not by any means entirely due to the immigration policy of the newer countries.

One of the most extraordinary features of the Socialist outlook is that the Socialist, while making the biggest demands upon industry and the community, is usually the man who is least concerned to safeguard his industry or his country. It might be expected that the man who asserts a right to be maintained by the country would at least be the most patriotic. There would be theoretically some excuse for an ardent individualist to claim that, as he desired the maximum independence from his Government, he saw no reason why he should in any way sacrifice himself for the good of his country. Similarly the man who recognized that, if he did not like the conditions in any particular job, his only alternative was to find other work might be excused if he adopted an attitude of indifference toward the welfare of the industry in which he was engaged. But the Socialist is usually the most antisocial person in the community. During the Great War most of those who pursued an antinational policy were Socialists, and in all industrial disputes the Socialists are the most indifferent to the welfare of their industry. During the coal strike many Socialist leaders urged a policy that would have permanently ruined the coal mines. They recommended the withdrawal of the 'safety men,' the men who worked the pumps and thus kept the mines in a condition that made a resumption of work possible. Many of the most ardent believers in the right to live advocated measures that would have rendered it impossible for either their industry or their country to maintain them.

IV

At this stage, and possibly some minutes earlier, American readers of this review may be thanking God that they are not as other men are. Perhaps

they are convincing themselves that England is degenerate and slowly dying. No English individualist would attempt to deny the gravity of the Socialist menace, but none the less he can remain an optimist. Dependence on the State, national corruption, overpopulation, and so on, are serious problems, but they are not more serious than others that England has tackled before. These problems are likely to be solved in the good old English way. The Great War and the economic leanness that followed have given the Socialists their chance, and we are not blind to the fact that their doctrines have made disturbing progress. But improving trade — and, despite the coal strike, trade is improving — will gradually cut the ground from under the feet of the Socialists.

Despite the widespread adoption in fact of the Socialist belief in the right to live, the theory as a theory has not been and is not likely to be adopted. Englishmen are not logical. Hundreds of thousands of the people who voted Labor at the municipal elections in November 1926 voted Conservative at the last general election and will do so again next time. Is it not significant that at the lowest moment of our trade depression a Conservative Prime Minister obtained a record majority? For the moment there is a glamour over Socialist doctrines, but such doctrines are alien to the deepest beliefs of the Englishman. For the moment we are living amid an orgy of corruption in certain local areas, but British politics none the less are cleaner than those of any other country. Corruption in shillings by Labor is certainly no worse than corruption in millions by Capital, and perhaps an Englishman may be excused in saying that he prefers to see a few wage-earners tried in a police court for corruptly drawing benefits from the State than to read of

ex-cabinet ministers being tried for corruption. Modern England has no experience of the latter.

The most serious danger in the spread of Socialism is that it tends to demoralize the national character. It is, I confess, tending to do that now. But this cannot and will not go on. The Englishman, more than anybody else, has a hatred of being overgoverned. So far at least he agrees with Jefferson that that government is best which governs least. The simple fact is that the right to live must in the end involve conditions approaching slavery. In proportion as the State assumes responsibilities it asserts power. The State has some rights too, and this is what the Socialists forget. The more the State acknowledges its responsibility to maintain the individual, the more it will control the liberty of the individual. Our wage-earners are at the present time demanding more and more benefits from the State; politicians are vying with each other in offering them. Such benefits are accepted at the price of personal liberty. Already countless acts of Parliament and local regulations enable the authorities to interfere in the personal affairs of the wage-earners. If the demand for maintenance is carried into practice much further, the State out of sheer self-protection will still further extend its control. Already the wage-earners are, by the very reason that they accept benefits from the State for which they do not directly pay, subject to restrictions from which others who maintain their independence are free. Thus in every local area there is an army of school-attendance officers whose duty it is to see that every child is sent to school. But their attentions are devoted solely to those whose children attend the free municipal schools. In England people of the 'middle classes' — with us the term has a wider and less offensive signification than in America

—send their children to fee-paying schools. The official school-attendance officers never visit their homes, though presumably the local education authorities would have power to prosecute if they could prove that children were not receiving education. In fact, however, the authorities confine their control to the wage-earners. This is perhaps a slight, but none the less a significant, illustration of the tendency that official control follows dependence on the community.

The big practical objection to the acceptance by the State of a universal responsibility for its citizens is that in the end such responsibility must result in some attempt by the State to control numbers. The English are by no means a logical people, but in the end the logic is surely inevitable that, if the State accepts the principle that its people have a right to live in the sense of a right to maintenance, the State must endeavor to control the numbers of people for whom it is to be responsible. Thus the logical result of the demand of the Miners' Federation for 'the maintenance (by the State) of the old wages and conditions, whether one pit worked or one hundred,' would be measures intended to secure the compulsory removal of the thousands of miners who are to-day surplus to the requirements of the industry. Ever since the Great War there have been thousands in the mining industry for whom sufficient work is not available. The cessation of the miners' strike left many thousands who could not be reinstated for the simple reason that there were no places for them. There could be no answer to a demand by the State, once theories about the right to live were truly accepted, for powers for the compulsory transfer of surplus miners to other trades or even to other parts of the British Empire.

Many Socialist thinkers frankly

realize this. Some of them even go so far as to propound schemes for state interference in such personal affairs as marriage and the procreation of children. Eugenists regard humanity as a vast stud farm. Given the general acceptance of Socialist doctrines, the State would soon find in the plans of the eugenists a useful means of self-defense. To a French, and certainly to a German, Socialist it might appear logical, and therefore sensible, that the State should attempt to restrict the numbers of people for whom it will accept responsibility. It is possible to imagine a Socialist in Leipzig going to the state bureau and filling up a form for permission to marry and have one child. If the state official explained that this permission was necessary so that the State might know how many mouths it would have to feed, all would be well. But there would be physical assault if the Englishman were so treated.

At the moment in England, Socialist tendencies are uppermost, but a countermovement can also be detected. The wage-earners in England will no longer be eager to sponge on the State when they realize that the State can become a nuisance. It remains true to-day as ever that the Englishman greatly prefers independence to state dependence. When trade improves, the Socialist orator will have little effect with his right-to-live theories. In spite of all the growth of Socialism the Englishman is an innate individualist and can be reckoned on to refuse to follow indefinitely in the wake of alien theorists like Karl Marx, or of leaders like Mr. Sidney Webb, who is obsessed with Bismarckian ideas of bureaucratic control. If comparisons are permissible, one could reasonably say that even amid the Socialist period the Englishman is at least as sturdily independent as the American, as is seen in the reception that he gives to

such grandmotherly ideas as absolute Prohibition. All countries have their lapses from the principles of liberty, and, if the Englishman at the moment is tempted by his Socialist leaders to accept dependence on the State, the American accepts at the dictation of his employers and of his womenfolk a legal impediment against the drinking of beer.

No, the bed-rock truth is that the right to live and other Socialist conceptions are comparatively novel so far as practice is concerned, but they offend the inborn prejudices of English people and before long they are likely to be slowly abandoned. The Englishman is wonderful at changing his political coat. During the coal strike one of the worst

areas was the County of Durham. But groups of Durham miners in 1916 organized bonfires in which they burned their War Loan certificates. They refused to make money out of other people's sufferings, and thus set an example to the whole country—and, may an Englishman add, to America as well. It would be a big mistake to assume that, because in a period of post-war trade depression Socialist theories are making considerable headway, therefore England is steadily pursuing its way toward the Socialist goal. Similarly Americans will make a mistake if they assume that their present immunity from the plagues of Socialism will survive a period of industrial depression.

MADAGASCAR PROVERBS

BY MARGARET McINTOSH LINTON

THERE is no one who loves a proverb better than does the native of Madagascar. From the thousands in use he is always sure to be able to select one appropriate for the moment, whether he be sending his friends to ask the hand of his bride-to-be, or gathering his relatives around his deathbed, or merely bargaining for his piece of beef in the market place. Above all, when he becomes a Christian and speaks in church or prayer meeting, his proverbs come to his aid so easily and aptly that the young missionary is often ashamed to follow him with the most carefully prepared of sermons. Many of these proverbs have been handed down from the days when all life in Madagascar was very primitive. Some of them

depend for their meaning upon beliefs and customs that no longer exist. Yet in comparing a collection of them with our own proverbs one is as surprised at the likenesses as at the differences.

The Malagasy have a 'Don't be a crowing hen' proverb, but they say nothing about whistling girls. They have also 'Don't kick a sleeping dog' and 'Don't take another mouthful until you have swallowed what is in your mouth,' which have a familiar ring. The rolling stone, in Madagascar, is famed not for gathering no moss, but because 'it never stops till it reaches the bottom.' This saying is used when a native is shaking his head in sad doubt as to the conduct of another. The pot that calls the kettle black is

there only a dangerous companion: 'Those who are near the pot get black.' A dog's bark may be worse than his bite, but the native is wise enough to remark of it, 'The dog's bark, it is n't might, but fright.' In Madagascar the love of money is not called the root of all evil; it is 'the tail of witchcraft'! There is a 'fish that got away' proverb, but it goes further: 'An eel not caught is as big as your thigh; a hill not seen is like calamity.' 'In union there is strength' appears there, most fittingly, in the form, 'Cross in a crowd and the crocodile won't eat you,' and in 'Men are like the rim of a pot and one all round,' and the more homely but very characteristic saying, 'One finger can't catch a louse.'

On the other hand there are many which we can appreciate, but which have no English or American cousins: 'Cleansing others, but wasting away in the process, like soap'; 'Poverty won't allow him to lift up his head; dignity won't allow him to bow it down'; 'To be two things like a bat: flying it's a bird, resting it's a mouse'; 'Not knowing what to do, like the stepchild: if he does n't wash his hands he is called dirty, if he does he is wasting the water'; 'Guilt repented of becomes righteousness, but righteousness boasted of becomes the grandfather of guilt'; 'The end of an ox is beef, and the end of a lie is exposure.'

Long before Madagascar natives came into contact with Christian missionaries they had a number of what we should call good Christian proverbs. 'Don't think yourself hidden in the silent valley, for God is overhead' employs the term *Andriamanitra*, literally 'the fragrant sovereign,' a name which in the old days meant a supernatural ruler, or a deceased king who had come to be regarded as divine. *Andriamanitra* is now used by the Christian natives as one of the names

for our God. Before the arrival of missionaries the Malagasy did not worship Andriamanitra, but one can have no doubt, after becoming familiar with their proverbs, that they attributed to him many qualities which show him to be the same omniscient Judge. 'Better be guilty with man than guilty with God'; 'God hates evil'; 'An axe with a notched edge: if the people don't notice it the tree will'; 'One is blessed by man and the other is blessed by God.' Our 'Don't count your chickens before they are hatched' has been said by the Malagasy: 'Don't decide before God, like the hatcher of fowls.'

Others could not be transplanted so easily into our own soil. There is one which says, 'The earth is God's chief wife; she maintains the living and guards the dead.' This refers to the days when polygamy was practised more generally in Madagascar than it is to-day. The first, or chief, wife had the care of the property and added to it as often as she could. Another says, 'The dead are not buried on Thursdays or Sundays, because the living are considered.' That is because Thursday and Sunday are unlucky days, and it is believed even yet in some parts of the island that a funeral on either of those days will soon be followed by many more funerals. The custom of wearing a *lamba* or sort of shawl has given rise to 'When God has made a plain face, covering the head won't make it handsome.' Another, which might well be remembered, but is n't always, when they are dealing with unsuspecting foreigners, is 'The simple are not cheated, because God is feared.' Perhaps the foreigner is not regarded as simple, but as fair game, no matter how little he may know of the island and of its scale of prices. Another, which should have more general application than it has, is 'When the day is dark a light can be used; when the water is

deep a canoe can be used; when the moat is deep a ladder can be used; but there is nothing that can be done for an evil deed.' The little American boy might say that in his Sunday school!

They speak lightly of the diviner, who, nevertheless, still makes his living in all parts of Madagascar. 'Mr. Head-shaker's prediction: if it is n't a boy it will be a girl' is reminiscent of an American doctor who made his position equally sure by finding out in advance which the parents wanted and then prophesying that it would be the other. If he was right they did not complain, and if they got what they wanted they did not complain.

'Sorrow I can bear, but not the professional mourner' has more sophistication than we should expect from the gentle savage. So also has 'A hard old woman who is not made compassionate by the past.' 'A cow is ill, and a bull is the doctor's fee' sounds like a bitter jest that might have been applied to an American lawyer. To be philosophical does not necessarily mean to have had a formal education. The Malagasy says, 'A wife to be divorced has many faults, a lass not married looks excellent, a woman not yet made a mother-in-law seems easy to get along with.' The poor mother-in-law gets the worst of it in whatever civilization she may find herself! There must be universal truth in 'A tall tree is hated by the wind, and a rich man by his neighbors,' but one would dislike

having to live next the man who says, 'When there is a rice field to be dug I call in others; when there is salted eel for dinner I have no friends but the dead,' or to be engaged to the one who says, 'Marriage is not a fast knot, but a slip knot.'

Here is a new way of saying 'David and Jonathan': 'Let your friendship be that of the mouth and the hand: if the hand is hurt the mouth blows it, if the mouth is hurt the hand strokes it.' Then there are 'Don't love me as you do a door, liked, but pushed to and fro,' and 'Don't be so much in love that you can't tell when the rain is coming,' which latter could easily be listed among our own proverbs, if it is not already one of them.

Studying the proverbs of a people, the common sayings of their everyday life, and the philosophy of their more serious moments, one comes to a close understanding of that people. The Malagasy show depths of feeling, as in 'Sorrow is like a precious treasure: shown only to friends,' and 'I am deserted by you when I am not yet recovered, and yearning for you is two thirds of my malady,' and true nicety in 'Let your love be like the misty rain, coming softly, but flooding the river'; but in the long run the spirit of the tropics wins out and 'Love is like young rice: transplanted, still it grows,' and as for life, 'Life is a shadow and a mist; it passes quickly by and is no more.'

A CENTURY OF BEETHOVEN

BY HARVEY WICKHAM

I

LUDWIG VAN BEETHOVEN died in 1827, just a hundred years ago on the twenty-sixth of March, and therefore special efforts have been made to revive *Fidelio* out of its state of being a mere 'series of overtures' and restore it *in extenso* to the operatic repertoire.

This entirely to be expected manifestation of the centenary habit would itself bear investigation. For why should one care for *Fidelio* in 1927 who did not care for it in 1926? Doubtless for the same reason that a merchant takes account of stock in January. He does not know whether he cares for it or not, but, having carried it faithfully for a year on his books, decides to see.

Certainly we have been carrying the old thunderer of Bonn faithfully on our books, have listened with awe to what we have heard of him and with a good deal more of awe to what we have heard about him. The end of a cycle, however, suggests inventory, so strong is the notion that a period of time expressible in round numbers is a veritable circle. Beethoven rises from our subconsciousness like the paddle of a water wheel set in a river. So we ask ourselves: Is there anything still genuine in our old enthusiasm? The newspapers break out in a rash of paragraphs. A new emphasis is laid upon the fact that Beethoven symphonies and sonatas appear upon programmes. And critics who last year would have been present perfunctorily or not at all now lean forward as if with stetho-

scopes to their ears, listening, listening for some sign that the heart of this familiar — and sometimes unfamiliar — music has or has not ceased to beat.

One naturally approaches the inquiry fearing the worst. So much has happened since our uncouth Ludwig, interrupted in the midst of a sonata by the late arrival of a countess, told his horrified contemporaries that he would no longer play for such swine. The incident sounds modern enough, save for the presumption of the countess; but when we remember that this same Ludwig nearly broke his heart when a court of law informed him that the noble *von* which he was in the habit of prefixing to his name had no right there, and should be replaced by the plebeian *van*, a sense of age reasserts itself. True, posterity has reversed the decision of the court, awarding him the *von* on all but the most carefully worded programmes. It has been kind to the memory of the man. But has it been equally kind to the composer?

I remember, when I was a very small boy, being led to the Moonlight Sonata — the slow movement — and then being held back for many months because the author of those melancholy, brooklike triplets, and of the melody which erects itself above them like a stationary shadow, was a god whom it was simply forbidden to understand. The triplets, it appeared, could not be played slowly enough. Was n't it Beethoven? And was n't it adagio? The

latter word has a fearful content to my mind even yet, and never shall I forget the shock of first hearing one Venetian gondolier hurl it profanely at another.

In the case of Shakespeare, chance permitted me to come upon a tattered volume in the garret, its title-page blessedly missing. So I fell in love with Juliet and shuddered over Lady Macbeth before I knew they were more than the heroines of a couple of 'penny dreadfuls' — as we called paper-covered literature in those happy days. But I never did learn to play the adagio of the Moonlight Sonata even passably well. And as for the second movement, it just happened that Hans von Bülow appeared in New York at the critical moment with an equally pedantic interpretation, and he was Authority. How much better he played the then uncanonized Brahms!

Beethoven himself, they say, started the fashion of these funereal tempi by abandoning in his later days the more sprightly habits of his youth and lingering inordinately over every tone. Poor man, he was only trying to hear, trying to pierce the acoustic veil of his growing deafness. But the story went forth, and became likewise Authority — to the great delight of music teachers, who wanted to give Beethoven to pupils lacking sufficient technical preparation.

Pianists play fast enough now, in all conscience, but the reverential interpretation lingers yet, especially in the orchestral field. It even peeps out now and then from such masterly solo performances as those of Schnabel. It appears to be quite impossible for a German to play German music without trembling a little before German greatness. He will not permit himself to forget that in four-four time there are four beats to the bar; in three-four time, three; and so on to the fatal end. Fortunately for Beethoven, however, there is Italy.

He owed much to Italy in the beginning. If the purple chords were his own, the singing melody was not all Papa Haydn. Even Naples crept into it — by telepathy, perhaps — enough to keep early Beethoven from being simply lesser Haydn dipped in dye. And Naples is irreverent — pious but irreverent, and unkempt, and beautiful, and so keeps its soul alive.

Unkempt, irreverent, and pious according to his lights, the German Ludwig, — he was Dutch as to his inherited hormones, — having duly imitated his great master and wisely burned most of the manuscripts, set about writing his first symphony, and began with a dominant seventh chord. The critics described it otherwise. They said it was an insult.

Probably in all the range of gainful occupations there is none so utterly worthless in its output as music criticism. Schumann and Wagner wrote it, but that only shows that it is possible to be entertaining or instructive while dabbling in philosophy or some other irrelevant matter, and one of them had drama to deal with. True music criticism, beyond a bare 'I like it,' or 'I like it not,' should be written on five lines and the intervening spaces — should be a comment scored for the praising brass or the complaining flute. The attempt to say anything about music itself is like describing a painting in Braille. And how well our own James Huneker knew it, with his personalities and adorable ravings about a number of unfiddleable things.

Beethoven fared marvelously well with the clan, all things considered, and if it was said of him that he was too noisy and prolix, jumping from one tune to another just as the listener's interest was getting aroused, the same had already been said of the pellucid Mozart. Noisy, prolix, insulting to the ear — what are words like these in the

bright lexicon of the pundits? Listen to what Zelter, teacher of theory to Mendelssohn, had to say of Berlioz. This music was 'd'expectorations bruyantes, de croassements, de vomissements, d'excroissances, et de résidus d'avortement résultant d'un hideux inceste.' He said it in German, but it sounds rather better in French. In English it might seem a little rude.

II

There is a popular tradition to the effect that Beethoven was a very unfortunate, unhappy, and unpopular man, but nothing could be further from the truth. He was a prodigy, whose career began with encomiums from Mozart. He never suffered from neglect or lack of recognition. His income was enormous for an artist of his day, his social position like that of a cabinet minister. Women smiled on him to such an extent that his success among the fair titled ones of gay Vienna was notorious, not to say scandalous. But he had a scapegrace nephew, Carl; he became deaf; and his music had *content* as well as form. So he is usually spoken of as a Prometheus bound to the rock, with vultures feeding upon his liver.

For this idea the *content* — accented on the first syllable to show its autonomous relation to the same word accented on the last — is chiefly responsible. One can forget the worldly troubles of a composer. But there was this *Weltschmerz*, fairly sobbing through his music. It must have come, men said, from a broken heart. And up till about 1890 that was what the world chiefly heard — the Beethoven of the 'broken sighs.'

One would have to be fresh from a bath of the eighteenth century to realize how poignantly that same *Weltschmerz* struck the contemporary

ear. Beethoven had gone through such an astounding apprenticeship that his genius, refined in the pedantic furnaces of Pfeiffer, Van den Eeden, Neefe, Schenk, and the mighty Albrechtsberger, — to say nothing of the composer's father and Papa Haydn himself, — entered the world like a wedge, thin edge first. Its revolutionary character was not very apparent. And yet there were passages even in those first piano-forte sonatas which startled the ear. It was not so much that rules had been violated as that, without such violation, this music carried a burden of personal emotion. His editors altered his scores. They were not bitter theorists whose nonsensical formulas had been exposed; they simply could not believe their eyes — already taxed by the sputtering Beethoven penmanship.

The romantic school was in full swing when he died, so it was but natural that moonlight should be turned on all his works. In an age which loved nothing so much as to read how the Abbé Liszt had ordered his piano carried to the top of a hill so that he could rhapsodize 'Hungariously' for the valleys and the forests, legends grew like fungus. And none of them were more fungoid than that of the Moonlight Sonata itself, already editorially christened with a ridiculous name. The inspiration came, it was said, through the open window of a countess while Ludwig paced in her garden or in the street outside, victim of a hopeless love. I have forgotten what countess — it was always a countess of some sort with this man of the people — and what she is supposed to have been doing. I used to think of her as playing the Moonlight Sonata, but that seems to be a mixing of cause and effect and a putting of the cart before the horse. The sad truth probably is that Ludwig was neither in the street nor in the garden, but in the boudoir,

and hopeless of nothing but getting away.

The only one of these stories I like is the one about the conception of the four-note theme of the Fifth Symphony — how it came to him as he was crossing a crowded street, 'like death knocking at the door,' and nearly resulted in his being knocked over by the Vienna traffic as he paused to write it in his notebook. That has something of the rugged, boisterous, real Beethoven flavor, and might have happened. It was not an age of automobiles — another instance of the Beethoven luck.

Luck may seem a strange word to apply to a musician whose hearing began to fail when he was but thirty, continued to fail for nineteen years, and left him totally deaf for the final eight years of his life. But it cannot truly be said of Beethoven's deafness, any more than of Milton's blindness, that it was an unmitigated calamity. We might not be willing to lose our eyes for the sake of a *Paradise Lost*, but most of us would give our ears, I think, to write an *Eroica*. And that Heroic Symphony was the first echo, heard within, of the silence which was to hush the clamors of the world.

It was also to have been a monument to Napoleon, had the composer not learned to despise the conqueror before the date of publication and torn his name from the title-page. But the Funeral March of a Hero was never Napoleonic save in name. It was the March of the Renunciation of Hearing. We are now at the beginning of the famous second period, when the *content* was getting ready to break bounds. Something else had died besides Beethoven's hope of passing his days as a well-hearing man, and the real candidate for funeral honors was classical music. Form had a rival. It was as if someone had come and said that a beautiful woman should have thought

and feeling, even though they made lines in her face.

It is odd to think that the old sonata form should have had mourners. For myself, I should as soon think of mourning over the demise of a patchwork quilt. Yet people lamented it, and of course it was a form which at one time had to be. Nothing further could be done with the fugue, after Palestrina, conscious of original sin, had soared with it in fearful ecstasy to heaven, and the Bachs, always conscious of a state of grace, had poured all its liquid voices into one great and satisfying river of consolation. Handel was content to give it a Miltonic pomp. But Haydn must abandon it for a pieced-out invention of his own, made by tying together the dancing feet of the ancient suite. If Haydn had not been one of the world's greatest masters of counterpoint and of melodic invention, he never could have made the sonata go down. He did not make it — not down to our day. Who now plays Haydn's sonatas? Or Mozart's?

Yes, the string quartette is a sonata, and so is the symphony. But I am speaking of the monophonic composition for a single instrument. Nobody ever attached that dreadful name to a solo opus without at the same time signing its death warrant — Beethoven and his successors alone excepted. And he did it only by insulting its limitations with codas longer than the bodies from which they were supposed to wag, and by 'development portions' which run their wild way into sheer fantasy.

To take this disjointed snake which he inherited, and convert it into a living, wayward thing of life, a fancy-free improvisation upon a dual motive with no proportions but its own, was Beethoven's great feat of creation. And the dual idea, once appearing, haunted him till the end, even when his sonatas refused to 'sonatify' at the hands of

the cunningest analysts. It became his philosophy — the two horns of human destiny, full grown at last in the Karma and Nirvana movements of bipartite Opus 111.

I do not belittle Beethoven's sufferings, but they were of the spirit and he met them with a rugged courage which inspires envy rather than pity. The long-drawn-out nephew episode was the single exception, the source of that 'sordid' element we used to hear so much about, and it was but the justice of nature, which, having spared him matrimony, unloaded upon him a brother's son by way of offset.

What would have happened to Beethoven had he married is a tempting subject for cynical speculation. As bachelor in every instinct as was the mountain-climbing Brahms, a wife must inevitably have been a tragedy. But the Beethoven luck held true. He was so filled with the aristocratic ideas of his times that he could not look at a woman unless she had a title, and — thanks to those same aristocratic ideas and to his blessedly plebeian origin — those lovely countesses could not look at him as a husband. The combination of circumstances enabled him to be 'nearly always in love,' as one biographer puts it, and yet go his triumphal way, 'untrapped, untrammelled, and unstung.'

Looking back over my own recollections, I find that I reached the real Beethoven not by reading his biographies — they were so full of Carl that they repelled me — but by escaping from my teacher and plunging headlong into a four-hand pianoforte arrangement of the symphonies. I took the primo part because I had a rather facile right hand, and my sister played secondo, she being the better reader. She also manipulated the pedal, her legs being then somewhat longer than mine. And between us we did murderous

things, aided and abetted by a Hazelton square piano whose white keys were mother-of-pearl. Much to our surprise, we discovered tunes, and a certain ingenuity which we could understand. Those duets ruined my hopes of becoming a pianist, for I discovered that I could devise chords and phrases of my own and improvise in the Beethoven manner — as I thought. But they initiated me into music.

I do not know that music is a good thing. It enables one to escape from the troubles of life perhaps too easily, like opium. The unmusical have to overcome their troubles. The musical — I do not mean the professional musician, who is a thing apart — dream past them, doubtless missing much wholesome moral discipline, to say nothing of worldly success. I tremble to think how happy I might have been if I had continued to read at sight and to improvise, and had not become a critic.

There are compensations, however, even in this rôle, where one has to choose between neurasthenia and the unlimited use of the cliché, and I can still shiver with delight at the recollection of one unforgettable Sunday afternoon in San Francisco when I heard Josef Hofmann play Opus 111 in a shed. For it was in those happy days shortly after the great earthquake (brought about, I have heard it alleged, by the way Caruso sang Faust there the night before), when a style of temporary wooden architecture, as cheap as it was beautiful and as simple in its lines as a Greek temple, held a momentary — alas, how very momentary! — sway. Rain pattered upon the unceiled shingle roof, and perhaps this accompaniment hypnotized me. But for once a pianist seemed to have worked the miracle of making those chains of trills express what they were meant to express — the thrill of that joy which

lies beyond all desire or understanding.

It was another rare event, also at San Francisco, when Bauer and Mischa Elman played the Kreutzer at a concert they gave for fun and the edification of sundry kindred spirits. Tolstoi, though he named a novel after this same sonata, thought that it — or Beethoven in general — marked the beginning of a decadence of which he never lived to think he had seen the end. There have been times when I thought he was right. Such excess of emotion creates a reaction in the breasts of any but the hardened professional, and he — as is the way of his kind — only notes whether the form and the technical execution are bearing up under the strain. Did you never notice how impervious musicians are to the sensuous torture of sound? They never get the primitive appeal of a composition, never fail to protect their ears with the muffler of theoretic understanding.

I have not been able to comprehend the Mencken dictum, 'Of all forms of the uplift, perhaps the most futile is that which addresses itself to educating the proletariat in music.' It seems to me, on the contrary, the one form of uplift most likely to be successful. One cannot follow Dante without at the same time knowing something of ancient Greece and Rome, of the scholastics, of thirteenth-century history, and having more than a smattering of what to most of us is a foreign language. But to enjoy any piece of good music, all that is necessary, if one be not totally tone deaf, is to hear it a few times.

III

Beethoven was born at Bonn, Germany, December 17, 1770 — or at least he was baptized on the eighteenth, and biographers are united in the rather gratuitous supposition that the

rite trod thus briskly upon the heels of birth. His father and his grandfather were both singers in the local Electoral Chapel; and his father, who, to put it bluntly, was a 'soak,' designed him for the career of child prodigy — with the hopeful intent of living upon his earnings. This father was such a bad teacher that neighbor Tobias Pfeiffer, who was a fairly good one, is commonly said to have 'rescued' the precocious Ludwig. And then came the Elector, who rescued him a second time for good by sending him to Vienna, where he spent practically the rest of his days — the great Vienna of 1787, the Vienna of Gluck, Mozart, and Haydn. There he proceeded to astonish Mozart with his improvising, enrolled himself as a Haydn pupil, and, finding Haydn no great pedagogue, sneaked off secretly for lessons from Johann Schenk until a tour of the great master enabled him to study openly with Albrechtsberger.

The young man prospered, which is no great wonder inasmuch as he was not only an accomplished pianist and composer but the protégé of the Elector, who in turn was an uncle of Leopold II, the ruling emperor of Austria. He became so popular, in fact, that when another city tried to steal him away a pension of four thousand florins a year was settled upon him. It may be imagined how many doors were closed to him. Nevertheless his manners, temper, and way of dressing continued to be atrocious, which probably accounts for the now very general idea that he was a species of Republican. But it does not account for the very marked approval of the women. This, which all contemporary accounts call attention to, seems to argue a particular personal charm. What woman, indeed, could have helped loving the helpless, lubberly man who could write, in that tattered diary which an accommodating

antiquarian has just resurrected for the centenary:—

Feb. 15 — Engaged cook.

Mch. 8 — Discharged cook.

Mch. 22 — Engaged servant.

Apr. 1 — Discharged servant.

And so on, to monotonous infinity. Luckily he did not often have to dine at home.

Yet he remained faithful to his earlier friends of Bonn, to Count Waldstein; and only death ended his regard for Leonora, widow of Stephan von Breuning, and for her children. Of his brother Carl's son of the same name, the less said the better. The boy's mother seems to have had no discernible virtues, and the boy ran true to maternal form. He contracted debts for his uncle to pay, and, having been rewarded by adoption, went so far as to commit forgery and to attempt suicide.

And, having endured these things, and enjoyed a great many more, — and incidentally having celebrated the downfall of the once-worshiped Napoleon with the composition of a *Battle Symphony*, hugely successful but admittedly *eine Dummheit*, — Ludwig van Beethoven died, at Vienna, March 26, 1827, 'during a great thunderstorm.' That is all one needs to know about the man in order to enjoy the *Pastoral Symphony*, the sonata known as 'Adieux, Absence, and Return,' or anything else he ever wrote. Try reading Dante, or Vergil, or any great user of words with a similar stock of outside information!

But, after all, the question is not whether we understand Beethoven, but whether we still thrill to him. And the answer, I think, is that the average audience cares very little for his songs, very little more for his pianoforte sonatas, but positively delights in his symphonies and reveres the great *Mass in D*.

I confess that I do not quite know

why this should be. The neglect of the songs may be accounted for by the rivalry of Schumann, by the extraordinary demands they make upon the vocalist, by — in the case of 'Adelaide' — a certain old-fashioned loveliness which is not yet quite old-fashioned enough not to seem quaint. The sonatas would certainly get more votes if the average pianist would occasionally deign to play one written before 1816, when the third and 'difficult' period begins. But they scorn even the second period, and as to anything below *Opus 50* — it simply never occurs to their minds. But the fact is, Beethoven is not effective as a technical bravura stunt, even when adequate virtuosity is called into play. And as to the real master pianists, who carry the whole series in their repertoires, there are only three or four of them in the world; and the audiences in the great capitals, who alone frequently listen to them, still marvel more at the excellence of the performances than at the music, and are usually handicapped by having to congregate in excessively large halls.

The *Mass in D* holds a place by itself, and being sacred as to text is difficult to judge as to its purely musical appeal. Societies capable of struggling through Bach's *Saint Matthew Passion* could give it very acceptably, and then we should hear it oftener. It is not so difficult. I have heard it rendered, with more piety than perfection, but still very effectively, by the regular choir of St. Stephen's in Vienna, assisted only by an orchestra of amateurs.

But it is the symphonies alone — and with these I include the concertos — which have actually come into their own and taken their places among the popular music of the day. Certainly the popularity of the orchestra itself has had something to do with this. Even the most mediocre of

conductors realizes that he must interpret as well as execute. So it was singularly appropriate that the Beethoven centennial should be inaugurated by the performance of all the immortal nine at a series of concerts at La Scala, in Milan, under the baton of Arturo Toscanini, last October. Since the 'Nerone' of two years ago, the claim of Milan to be the musical centre of the world has not been successfully challenged, and the centre of Milan, of course, is Toscanini.

'Whenever I find myself about to conduct this work,' he said, just before his stick fell to summon forth the opening 'shuddering fifths' of the Ninth from the strings, 'I feel as if I stood facing a great mountain which no man yet has scaled.'

And then he proceeded to scale it. And if there were any passages not entirely satisfactory it was because the deaf old master occasionally wrote that which cannot be sung, or even sounded upon any instrument as yet invented by man.

What those La Scala performances proved was that our Wagners, our Schönbergs, our Stravinskis, our new psychology, and our jazz have done nothing to estrange us from Beethoven. Here was Italy, where music began, giving the finishing touch to that same music made doubly great by foreign hands. The result not only charmed; it was new. These accents were as fresh as flowers. At last the true rhythm was born, not the rhythm of wretched beats imprisoned between bars, but a pulse, innate in the music itself. Adaptability, zoölogists tell us, is the secret of survival, and Beethoven adapts himself to almost any kind of

treatment. Aside from a performance once given of the Fifth Symphony by the old Chicago Orchestra, I never heard one of his compositions completely destroyed. It seems to be equally difficult to exhaust him.

The last Mozart Festival at Salzburg showed a certain tepidity of enthusiasm even in music-conserving Austria. Chopin fades. Not even the Wagnerian drug is quite so potent as it used to be. But those scores blotted with corrections and emendations — emendations in which Franz Schubert could see no improvement over the first draft — have thus far proved too hard a morsel for time to gnaw. Beethoven is not only still alive; he has yet to come fully into his stature. And the modern drift of taste toward the eighteenth century is sure still further to favor him, to render more palpable those traces of formalism to be noticed in his earlier works. We shall probably not go so far as to accept that juvenile Beethoven symphony which Henry Hadley once introduced to an American public, but pianists who have learned from Scarlatti how to use their fingers as well as their arms may yet evoke for us the almost forgotten charm of the Waldstein Sonata. On the other hand, the increased resources which are being put into the hands of musical organizations everywhere ensure an increasing frequency in the adequate performance of the later works.

So the Beethoven luck still holds, and every year makes clearer that, of all the musical geniuses that have flourished since the songs of the ancient Greeks were lost, these three are to endure — Palestrina, Johann Sebastian Bach, and Beethoven.

INTRODUCED BY MR. HOUSMAN

BY ETHEL WALLACE HAWKINS

I

THE seed of the desire to see Shropshire was planted by the lyric called 'The First of May'—that clear minor melody, never more wistful than through the major ring of the close.

The orchards half the way
From home to Ludlow fair
Flowered on the first of May
In Mays when I was there;
And seen from stile or turning
The plume of smoke would show
Where fires were burning
That went out long ago.

The plum broke forth in green,
The pear stood high and snowed,
My friends and I between
Would take the Ludlow road;
Dressed to the nines and drinking
And light in heart and limb,
And each chap thinking
The fair was held for him.

Between the trees in flower
New friends at fairtime tread
The way where Ludlow tower
Stands planted on the dead.
Our thoughts, a long while after,
They think, our words they say;
Theirs now the laughter,
The fair, the first of May.

Ay, yonder lads are yet
The fools that we were then;
For oh, the sons we get
Are still the sons of men.
The sumless tale of sorrow
Is all unrolled in vain:
May comes to-morrow
And Ludlow fair again.

Everyone knows the risk of seeking out a place around which a glamour has been thrown by verse. It is all

too likely that along a macadamized Tewkesbury Road motor cars will be whizzing; that over 'dark Tintagil by the Cornish sea' will be scurrying a raucous company for whom a char-à-bancs waits. It is a dangerous thing to use as a guidebook a handful of lyrics into which a poet has put, living, the sunshine and the flowers and the hills of a shire that he loves; and the peril is the greater when the very names of hill and river and town hold an unreasonable charm. Clee Hill, the Wrekin, Wenlock Edge; the Teme, the Corve; 'Clunton and Clunbury, Clungunford and Clun'—how could these be matched by the reality?

A dangerous thing—and profane, perhaps. Yet I went to Shropshire.

It was by no means all because of the delicate chiming of 'The First of May.' For there are those other lyrics of Shropshire that flower on the grim background of Mr. Housman's pessimism as the valerian flowers bright and beautiful and sad on the rugged walls of Ludlow castle. And indeed is there an Englishman alive who equals Mr. Housman as the poet of nostalgia? Mr. Masfield's 'West Wind,' it is true, aches and cries; but it also flutes a little, almost in the Irish manner. Mr. Housman's lyrics of homesickness are all ache. They have the simplicity of emotion itself; they have the very minimum of decoration, and a matchless brevity.

'T is time, I think, by Wenlock Town
 The golden broom should blow;
 The hawthorn sprinkled up and down
 Should charge the land with snow.

Spring will not wait the loiterer's time
 Who keeps so long away;
 So others wear the broom and climb
 The hedgerows heaped with may.

Oh tarnish late on Wenlock Edge,
 Gold that I never see;
 Lie long, high snowdrifts in the hedge
 That will not shower on me.

Hawthorn and broom were over when we headed for Shropshire; and as our train left London in the most depressing of rains, in the heart of at least one of us — the one who had held out resolutely, not to say obstinately, for a week or two in Ludlow — there was a heavy qualm of apprehension. For while English rain may softly veil some of the traveler's most charming pictures of English landscape (I myself remember my first English, or, to be quite accurate, Scotch, robin singing 'with treble soft' in a beech copse at Ardlui in a hearty, chuckling downpour; and a sunset of unearthly beauty, a pale gold and pale mauve sunset, seen from Land's End through a thin shower), this late July rain was of the kind that dulls landscape and zest alike. But just beyond Shrewsbury the rain stopped, and the window began to frame pictures. Fresh greenness lay around us; cottage gardens were gay. We were slipping into

The country for easy livers,
 The quietest under the sun.

And as high hills began to spring up on the left and the right, we saw ahead an evening rainbow laid across the valley.

The quaint Ludlow that met us at the door of the little railroad station was not recognizably the Ludlow of the *Shropshire Lad*; the horse-drawn bus was not, nor the long street that climbed from 'the bottom of the

town,' nor the rare old Feathers Hotel, with its half-timbered walls, its gabled projections, and its leaded windows; nor even the extraordinarily mellow chimes that played, somewhere very near, 'The Bluebells of Scotland' as we ate our Severn salmon in the low-ceiled dining room with its price-less carving. It was on the next morning, a breezy, sunny morning, that I found the Shropshire of the poems — the Shropshire I was to keep.

I had walked to 'the bottom of the town' and taken at random a road that wound and mounted, bordered by hedges, toward rolling hills. Where the hedgerow was broken by a stile, I stopped to look back and down — and there indeed, across the meadows, stood the tower which to many a generation of farm lads has been the sign that they were drawing near to Ludlow fair. Beautiful and tall it sprang up; for while the slope of the town is such that from some points of view the church seems to settle low, and that at the Feathers Hotel, for example, the chimes seem to wander casually and companionably in at the door, from a distance the tower rises dominant. I was to learn the beauty of coming back at twilight from Much Wenlock or from Craven Arms and seeing the castle ruins and the tower lifting solemnly into the violet-gray haze of the evening.

Ludlow castle does not, I think, figure in Mr. Housman's poems. But it is certain that the Shropshire Lad loved the River Teme; and where is there a more charming reach of the Teme than the one that lies below the castle walls, to the west? Is it better to look down from the window frame in the west wall that bounds a narrow picture of the stream winding between its willows down the green valley, or to drift under those banks where meadow-sweet grows and dabchicks dive and

clatter and large Hereford cows snuffle and stare at the navigator, and to look up at the great walls looming almost overhead? Of this I am certain: that nowhere on earth has a bit of small change more purchasing power than here on the Teme. I forget whether it is sixpence or a shilling that one pays for a very glut of boating. This part of the river is not navigable for more than a mile, between a courteously firm sign above and a weir below; and one may row upstream and drift down, row up and drift down, with green willows and green banks to right and left, and green water under, and store up for a permanent possession pictures of the castle in the sky and Ludlow tower across the meadows.

It is good, too, to stand on the high tower of the castle keep; best of all, perhaps, on such a morning as the one I most remember of many mornings spent in the castle ruins—a day of sunshine and fleet cloud, with a strong, pure wind blowing out of Wales. ‘Smoke stood up from Ludlow,’ its plumes flying all one way; the reddish roofs of the town seemed to glow; above them Ludlow tower rose up near and friendly, yet not so near but that half the noon chimes were caught and swept away on the flaws of the wind; and the quarries on Clee Hill sprang out in that indescribable color, neither orange nor gold nor strong yellow, with which they meet certain slants of sunshine. Far, far down, below the steep drop of the castle hill, the little Teme slipped twinkling over the weir, and, backed by the high green slope and the great beeches of Whitcliff Park, ran curving to the fine old Ludford bridge with its three graduated arches. At the foot of the tower lay, outside the castle wall and across the dry moat, the wide spaces of the tiltyard, empty of everything but sunshine and silence; inside, that most lovable ruin, its broken walls

darkened here and there, in squares and bars, by their own shadows. And it was down here, not on the windy top of the tower, that one tasted best the true flavor of Ludlow castle—the strong sense of its past, and the quiet present beauty that washes over it. Here one might see the shell of the finely proportioned hall where *Comus* had its première, and might wonder, fruitlessly, at which door the ‘rout of monsters’ rushed in, and where and how Sabrina rose; or might look up to—not through, for stairs and flooring are gone—the high windows from which Prince Arthur must have looked down on the Teme before he died; or might mount the winding steps, leading now to nothing but space, up and down which the Little Princes may have run, shouting, in the days when their hearts were still light. Here, too, the sunshine lay warm; the tufts of valerian stirred in the crevices of the stone; jackdaws dropped their queer notes, so throaty yet so ringing, from the topmost walls, and now and then showed their capable little profiles in silhouette against the sky; and goats cropped the grass in the courtyard, or stood contemplative in doorway or window frame of the wonderful little round chapel. By whose authority, or perhaps by what hereditary right, these pensioners dwell in Ludlow castle, I never learned; but their decorative effect was certainly great. Their angular bodies, so dignified yet so nimble, and their glances, aloof yet ribald, had the accentuating value that a gargoyle has in the midst of solemn beauty. There was one of them—in appearance the oldest—who late in the afternoon used to lie along a ledge where church dignitaries must once have sat; his beard up, his horns back, his eyelids drooped—a picture of rather cynical inscrutability and repose. But to establish any social

contact with these decorations was a mistake, as I found one day when I impulsively offered one a tablet of Cadbury's chocolate. Instantly the whole band sprang to life, rushed around me, penned me in a close, leaping ring, 'mounting up . . . like thin flames,' in the manner of the souls seen by the Blessed Damozel: incredibly tall on their hind legs, and incredibly light except when in their ardor they stood on one's foot. In the end they had to be quieted, like Gareth's adversaries, 'with good blows.' But the initial indiscretion was mine, not theirs; and I should be sorry indeed to go back to Ludlow castle and find those picturesque presences no longer there.

II

Next to Ludlow, the name of Wenlock had been set chiming by *A Shropshire Lad* and the lovely 'Fancy's Knell' of the *Last Poems*. To Much Wenlock we went for its name; and went again for what we found there. The road from Ludlow, if without spectacular beauty, has a peculiar soft charm. The different fields of grain through which it ran had no names, to our agricultural ignorance, but the great rectangles of straw-yellow, of rich tan, of bronze, and of willow-green were none the less lovely to the eye. Phlox, roses, and hollyhocks brimmed the low-walled gardens of the little houses along the road. And no sooner was Clee Hill left behind than far off to the right Brown Clee flung up its long curve and seemed to go with us all the way. In the little flowery town of Much Wenlock we found two rare treasures. One was its guildhall, where the soul of its ancient dignity and pageantry lives on in the magnificently carved council chamber — a room that wakes Hawthornesque imaginings of the presences that must

move there of nights, when the door is locked, and the moonlight falls through the leaded panes, and sleep is over Much Wenlock. The other was the fragmentary abbey ruin, with its roofless but marvelously preserved Norman chapter house. One might stare for hours at the three valerian-tufted arches of the west wall without fully absorbing their perfect beauty; or, passing into the chapter house, might look out through them at the sunny green garth, with its standard rose bushes like tall red-flamed lamps, and its box shrubs clipped by a master hand in the design of hounds chasing a fox. In the midst of this flying hunt reared up, or rather reeled back *sur son séant*, with forepaws in a sparring attitude, a small heraldic-looking creature which might have been an infant dinosaur, and which seemed, though perhaps not altogether logically, to reconcile chase and cloister walls.

From Much Wenlock one of us was drawn on an hour's digression by the haunting picture that is painted in 'Hughley Steeple' — that dark and tender lyric of sunshine and shadow and unforgetting affection, which begins, —

The vane on Hughley steeple
Veers bright, a far-known sign,
And there lie Hughley people,
And there lie friends of mine.
Tall in the midst the tower
Divides the shade and sun,
And the clock strikes the hour,
And tells the time to none.

Here again was a risk — but a risk that it would have been a loss not to take. A wooded road dropped sharply down from Wenlock Edge, and curved through a tiny cluster of houses around a sunken trough where some cows were splashing loudly with their forefeet and drinking in the snuffling and blowing manner of cows whose thirst has not extinguished their simple sense of

amusement. A few rods beyond, a weather vane flashed; and there, with its trees, and its low enclosing wall, and its sunny tangled graveyard, stood, infinitely reticent, the little square-towered church. Into the silence of its interior fell, from the clock tower, a living sound — the loud slow ticking that is always somewhat awful in a place empty of humanity. Outside were sunshine and wild greenness and peace, and once the rich solemn tone of the clock striking the hour. It was impossible to feel that the matter of trimming and clipping was of much importance in a churchyard where a poet's loyal remembering flowered, invisibly but with such beauty.

The loveliest thing of all about our day in Much Wenlock, however, was the drive back to Ludlow in the early evening. In the slight dampness, the smell of the gardens and of the freshly cut hay was piercingly sweet. The sun, very low, shone through a thin haze. To the east, the meadows lay in a silvery light, and the hills beyond them were blue; the quarries on Clee Hill and Brown Clee flushed silver-rose. To the west, the stirring feathery fields were brushed by a metallic color that one might despair of phrasing. But Mr. Housman has done it: —

On acres of the seeded grasses
The changing burnish heaves.

As we drove, all colors imperceptibly merged in violet-gray; and presently Ludlow tower and the castle loomed softly ahead.

III

I do not remember whether it was in the Bull Ring, the commercial centre of Ludlow, or in Harp Lane, close by, and also, incongruously, commercial, that we found on a wall the poster which divided our small

party in two; or, more accurately, caused an ardent remnant to stay on in Shropshire when the others made for the east, where were Ely Cathedral and Will Rogers.

LUDLOW
AGRICULTURAL SOCIETY
75TH MEETING
ON
Monday, 2nd August, 1926

said the poster. Ludlow fair! Not, of course, the great fair of the first of May; not, indeed, to be pedantic, a fair at all — rather an exhibition. But, to one who would have it so, Ludlow fair for all that. Surely one of the sharpest of the mutually exclusive human divisions is the one between those who have, and those who have not, the true passion for animals. To those who have this passion the lack of it seems as bleak a limitation as color blindness or tone deafness; to those who have it not it seems a silly puerility. I could only hope — against hope — that my valued friends felt as respectfully toward my beeves and sheep as I felt toward their cathedral and their comedian, as I waved them a temporary farewell and fell to counting days and hours. On the night of August first, I dozed happily off with

May comes to-morrow
And Ludlow fair again

singing through my head, in defiance of the calendar; and early in the morning heard, with ineffable satisfaction, the *clap-clap* of an army of small hooves passing by the Feathers Hotel.

It was a fine, sunny day. It may no longer be true that 'the lads in their hundreds to Ludlow come in for the fair'; but by ten o'clock High Street and Broad Street and the Bull Ring were relatively thronged, the tide setting toward Ludford bridge, beyond

which the fairground lay. I had my first taste of the fair here on Ludford bridge, where, between the rows of observers leaning on the parapets, two men were leading, with difficulty, a monstrous and reluctant bull. He had quite the most bored, snobbish, and stupid expression that I have ever seen on the face of a quadruped; his enormous bulk advanced laboriously, inch by inch almost, on small straddling legs. Yet there was a magnificence about him, and more than any of the human beings watching him he seemed in harmony with the ancient bridge. He might have been, to an unknowing eye, four hundred years old, instead of the four that the official programme, as I learned later, gave him. I felt, not altogether tenably, a strong personal pride when in the afternoon he marched ponderously at the head of the prize winners' parade.

The fairground was a great green oblong, designed by nature for cattle shows. Three sides were walled by trees; the fourth sloped softly up to the sky. On this slope moved all day an irregular, shifting pattern of horses. Now a hunter would canter along the ridge; now mighty cart mares, with little whickering foals, stood on the incline waiting their turn to go down and be judged. On the opposite side of the field, close to the twinkling screen of poplars behind which the Teme gurgled now and then, a long row of cattle of high degree stood in make-shift pens; and from one of these shot at irregular intervals an indomitable little red bull calf, who intended to see, between captures, as much as he could of what was going on. Flocks of sheep poured through the entrance gateway, and were crowded into little enclosures of hurdles. At one moment a running flame seemed to go over the grass; this was the advance of a flock drenched with Sunset Orange powder

— 'the brightest made,' said proudly the advertisement in the programme. A shepherd undertook my education in the matter of lambs and ewes, and, being a thorough man, pulled open many mouths that I might learn lore by observing teeth. Later in the day I was delighted to find prize tickets tied on his hurdles, and himself vivid with elation. 'And there,' he cried, pointing to a singularly torpid ram prone in an adjacent pen, 'is the fortunate father!'

It would have been a satisfaction to see parading a flock whose teeth one knew all about; better still, perhaps, to see the Sunset Orange company stream around the ring. But the sheep were not permitted to parade — and indeed one must grant that as marchers sheep are rather incalculable — any more than the fancy pigeons with feathers to the very tips of their toes. To the inexperienced eye of one spectator the great moments of the Parade of Stock were two. The first was when the mighty bull of the Ludford bridge straddled slowly and scornfully around the ring, while the Ludlow Town Band played *con brio*. The other was when a group passed that might have come to life from a Greek frieze. A young man, bright-haired, broad-shouldered, slim-hipped, glittering with triumph, who looked as Phœbus must have looked when he served Admetus, led along — master of her, though half lifted off his feet by her — a magnificent cart mare, rather wild with the excitement of the show and the clash of the band. When she pranced, it was as if the mountains skipped, and as she planted each great hoof she shook the earth. Her dark coat shone, her powerful neck arched gloriously. At her side, head up, a foal sprang along, light as a bubble. This group of three, on fire with life, was the picture still in my mind when all the winners of the morning had gone

glorying around the ring; and the splendid hunters had taken their hurdles and their water jump; and cattle and sheep — mildly puzzled, perhaps, but as to that, who shall say? — streamed out through the gateway, toward home; and those of us who flung away our privilege of crowding into the big tea tent streamed out likewise, crossed Ludford bridge again, and climbed the long street to the town, where Ludlow tower was chiming late afternoon.

IV

But the best, perhaps, of all my hours in Shropshire was spent neither in Ludlow nor in Much Wenlock, but near Church Stretton, at sunset, on the Caradoc. One may believe or not, as one chooses, that here Caractacus made his last stand (and certainly around the summit run shadowy trenches soft with heather); but in the austere, high solitude it is easy to feel that Roman ghosts are blowing by on the hill wind. I risk the assertion that if one is to drink the full flavor of the Caradoc it is best to be there alone, in a gusty, red-gold sunset, with the vast shadow of the Longmynd swallowing, league after league, the brightness of the valley. 'Fancy's Knell' has it: if not the exact topography, yet the very air and the spaciousness.

Wenlock Edge was umbered,
And bright was Abdon Burf,
And warm between them slumbered
The smooth green miles of turf;
Until from grass and clover
The upshot beam would fade,
And England over
Advanced the lofty shade.

With the sinking of the sun behind the Longmynd, the wind dropped, and the silence became a limitless living presence. A kestrel hung perfectly motionless against the amber sky. The still

fields so far below took on the strange, intense green that comes between sunset and twilight. And presently the deep bowl of the valley was brimmed with dimness; the Wrekin, to the north, was softened to mystery; in some wood far away, owls had begun to call. It was time to come down from Caer Caradoc, before the infinitely light whispering of the heather should turn too eerie under the stars.

It would be an arrogant spirit indeed who, knowing Mr. Housman's poems, should indulge too strong a sense of possession in Shropshire. For, however much the stranger may love that quiet, unspoiled beauty, he knows that it has been loved better. Back in his own land, he will not presume to appropriate the lines that set his wistfulness to music: —

Into my heart an air that kills
From yon far country blows:
What are those blue remembered hills,
What spires, what farms are those?

That is the land of lost content,
I see it shining plain,
The happy highways where I went
And cannot come again.

But for me, as doubtless for others, it is not only humility that makes me refrain from taking these verses to myself; it is also the fact that they do not — at least I trust they do not — wholly fit my case. For I hope to come again. If, contrary to all legend, one has indeed found the rainbow's end, and found it pure gold, what shall hold one away forever? For me, I hope to go again where the solemn shadow of the Longmynd creeps to Caer Caradoc; where the willows dip and the dabchicks dive in the green Teme below Ludlow castle; where Clee Hill and Brown Clee burn silver-rose at sunset, and hay smells sweet in the evening on the road to Much Wenlock.

THE SOUL REMEMBERS

BY ALICE BROWN

I AM a moth that has been blind with light,
A breath that drank the youngness of the day
And drugged primeval thirst with flowers of night,
A wing that winnowed dust from beauty's way.
In ecstasy, I urged my answering blood
To lift me on the high transcendent wave
That flings mortality upon God's rood,
To sunder breath from body but to save.
Now I am wan at these great majesties.
I bow before them, yet they seem afar
As ruined shrines to outworn pilgrim eyes,
Or the soul's haven in an unseen star:
A morning drop of dew that held the sun
And dies of splendor, its bright cycle run.

THE PHANTOM WATERFALL

BY OSWALD COULDREY

HARDY, the Goal Superintendent, who bought Postlethwaite's old hack mare and used to ride her about the sandy lanes of the Reserve Forest, was wont to declare that the animal always came to a halt on the brow of a hill, or at any place where there was a fine view. I heard a guileless person once protest that horses never admire views. 'Nor did she,' replied Hardy. 'She used to start grazing. It was I that was expected to do the admiring.'

Postlethwaite was a dear old friend of mine, and without vouching for the literal accuracy of Hardy's story — for Hardy, too, I knew very well — I will go so far as to say that if ever it could be true of a horse, that horse would be Postlethwaite's. For indeed I never knew a man who took such an unfailing delight in the mere act of looking at nature as my old friend. The love of nature, like the romantic love of women, is a convention of the poets, a mystical experience to which we are all supposed to be subject, but which with many of us remains no more than a pretense, even when it is carried adroitly enough to deceive ourselves as well as others. Occasionally, however, one meets people who actually achieve one or other of these refinements of emotion. I never found out whether Postlethwaite had ever been in love. Probably he had, for he never married. About his realization of that other and safer and still rarer state of imaginative grace there could be no doubt whatever. The love of nature was his religion. He found in the leafy wilds, and

in the revolution of the seasons, that spiritual consolation, that sense of an impersonal and lasting order, which others look for in a church. The splendor of the forest was his ritual, and the spring his literal Easter.

At least that is how I seem to myself best able to describe, albeit by a loose figure, his spiritual attitude. I am far from supposing myself able to explain it, although I have studied and considered long the general question involved. Young men, furnished with ability, tell me nowadays that the love of nature is no more essentially 'æsthetic,' as they hideously label the business and concern of beauty, than any other emotion. I am not concerned to show that they are wrong. Possibly Postlethwaite's affection for the wild, his 'forest sense,' as the early Buddhists had it, was compounded of many little material preferences and personal habits and accidental associations — the love of fresh air and bodily exercise, of solitude and thought and easier daydream, even of relief and relaxation and vacancy, for Postlethwaite was an overworked upcountry judge, and his morning walks and rides must have been a grateful change from the stuffy day-long drudgery of the courthouse, and all the paraphernalia — to quote another South Indian judge — of

Parallel cases and criminal faces
Of prisoners all in a row.

Postlethwaite remained a district judge to the end of his working life,

for he steadily declined to go to the High Court, lest he should lose his rural recreation. Self-indulgence of this type has its own nobility, and I always refused to accept in any vulgar sense the allegation of certain cynics that what Postlethwaite really loved and cultivated and admired, like a platonic and middle-aged Narcissus, was his own company and his own soul. But in a finer sense he would have accepted it himself—in the sense, namely, of the sage of the Upanishads who declared that not for the love of a wife is a wife dear, not for the love of sons, or wealth, or virtue, or wisdom, are any of these things dear, 'but for the love of the soul all these are dear.' I remember his actually applying this passage to the love of nature, in amplification of the Swiss philosopher's observation that 'every landscape is a state of the soul.' For Postlethwaite, like many lovers of nature who have never heard of the Upanishads, was a devout pantheist.

Whether his main interest in the higher life was 'æsthetic' or not, he was a man of many interests and gifts. If he had not been a judge, — he generally pronounced the word as 'drudge,' — I think he would have been a great painter, for he had a singularly vivid visual memory. He could draw faces, once seen, with uncanny suggestiveness. This gift of his, for some reason, he studiously concealed, but he had at one time practised the art of landscape painting in water color shamelessly and with much local glory. He told me that he had given it up because simple admirers persisted in likening his work to colored photographs, and because his conscience told him that they were right. From this it will be seen that he was ahead of his time, for this was many years ago. Later he became a great admirer of old Chinese landscape painting, and was led thence

to a study of the Zen Buddhist and Taoist doctrines by which it was so largely inspired. By this devious path he finally tracked his favorite emotion to its fountainhead in the ancient culture, too often forgotten by her governors, of the land of his labor and exile. India, he used to say, anticipated Wordsworth by two thousand years. He was a devout Wordsworthian for all that, though I have heard him dismiss the famous Ode as a 'fake.'

Despite his interest in abstruse philosophies, it must not be supposed that Postlethwaite was a mystic in the vulgar sense of a seeker after miracles and signs. The ancient Buddhists and Taoists professed to be able to control external nature by the naked operation of the will; but if the study of their thought had ever revealed the secret of any such feats Postlethwaite, as we knew him in the flesh, was at least, like the Taoist sage of the anecdote, 'able to refrain from doing them.' He had the reverence of the enlightened Victorian for the laws of nature as he knew them, and though he was well aware of the mystery that moved behind them he took no morbid pleasure in the thought of throwing them out of gear. He shared his devotion between beauty and knowledge in a way that reminded one of Ruskin, with whom he had much in common, and whom he admired even more than he admired Wordsworth.

But if he neither performed nor wished to perform practical miracles, he wrote marvelously good letters, an achievement far more conducive to the edification of posterity. He was also, as posterity will readily believe on the evidence of the same letters, an uncommonly entertaining talker. He was almost as fond of good conversation as he was of walking and riding, but he nevertheless preferred to enjoy his exercise alone, and never walked and

talked or rode and talked at the same time; for at such a juncture, he declared, he found himself intolerably pulled between the appeal of the conversation on the one hand and that of the landscape on the other; and the better they both were, the more painful did his own case become. I have found a similar admission in Hazlitt, another of his literary cronies. But Postlethwaite at night upon his own verandah, when the distracting shows of external nature were obscured, was peerless.

He was always best seen in his own house. He used to come twice a week, perhaps, to our little upcountry club for tennis, but he never made of it, like many Anglo-Indians, a kind of evening home, for he disliked indoor games, and had no relish for the sort of conversation that lives on sufferance between the strokes at billiards or deals at the card table. At tennis, I remember, he was rather clever in a wayward fashion, but he would suspend his service in the most exciting game to contemplate a rosy cirrus at the zenith, or a flight of evening cranes. It was chiefly thus that his idiosyncrasy was brought home to most of us, for he never gushed about a sunset before the multitude, or babbled of green fields, like poor emended Falstaff. The ordinary man's — and woman's — comparative indifference to natural beauty he took philosophically. In fact I think he actually underrated the power of such influence upon common minds. Our clubhouse was built upon an ancient bastion facing westward across the stately river which gave its name to the district — an outlook hardly to be matched under an October sunset, or indeed at many another season of the day or year. Instead, however, of repairing to the platform whence this daily marvel was to be seen, I am sorry to say that custom and indolence led

us, when the light failed for tennis, and the afterglow, the time of strangest splendor on the river, was at hand, to remain sitting with our backs to it beside the tennis court; finding in the latest gossip of the station matter more seductive than was offered by that familiar blazon, however curiously varied, of waves and colors, quaint sails and cloudy shoals, across half a league of luminous water. Pretty Mrs. Carew, when she first came to the place, declared that she would abolish this stupid habit, as she called it, and for a time her youthful and lovely enthusiasm effected a reformation; but in six months' time she sat by the tennis court as oblivious as the rest of us, and it was Postlethwaite, I remember, who won of her a wager that it would be so.

For Postlethwaite, I think he visited the club as much for the sake of that river prospect as for social consolation. He declared, indeed, that he was more closely attached to places than to persons, but this, I think, was a paradox. His close friendship, no doubt, he shared among few, for few understood him, but the quality of such a share was the richer and sweeter for the reservation. With the rest, his natural kindliness, his disarming aloofness from all that was personal and petty, his rather elvish humor, and his unfailing cheerfulness — he was without exception the happiest person I ever knew — so combined with, or tempered, his intellectual reputation as to surround 'Pozzy' with an atmosphere of affection as near to popularity as was possible without entire comprehension. Besides, were we not proud of Pozzy as a picturesque and amusing feature of the club, like the scene from the river wall, our chief distinction in his eyes, or the new gramophone, his only aversion?

When he retired from service, his health did not allow him to remain in

the plains. He did not leave without a pang our little station by the river. He was deeply attached to it, as indeed he generally became to places wherein it was his fate to live for any considerable time. He had a strong sense of indebtedness to external things. 'All that I experience is I,' he once wrote to me, 'and I am that. I am the food I eat, the books I read. I am the July rain, and the sunlight of this November morning.' And again, 'I never leave a place where I have lived long without leaving also at least a third of myself behind. The greater part of this remnant ultimately disentangles itself, I suppose, and straggles after me, but some of it remains, and is reabsorbed into the inanimate world from which it was derived. This "truncated" feeling always bewilders me when I migrate. I often wonder why what is left behind is not equally troublesome to my successors there.' He had added between the lines as an afterthought, 'Perhaps it is, only they don't understand the reason of their trouble.'

He consoled himself very effectually, however, for his departure from the scene of his last years in service. He bought a house in the Indragiri Hills, a lodge originally built, I believe, by a tea planter, and by him styled, for local reasons, Halfway House — a name which Postlethwaite, but with symbolical intent, retained. There I visited him several times during the last ten years of his life. Halfway House was about four miles distant from a well-known hill station. It lay just below the brim of a lovely basin of the hills, and looked westward across the valley into a splendid waterfall. From its immediate terraces arose a solemn troop of pines of different species, such as flourish so vigorously in the hospitable climate of the Indragiris; and Postlethwaite had laid out part of

the garden before them in the Chinese fashion, with a mimic stream and a little bridge, stone lanterns, mounds of rock, and a marsh for irises — little regions which he whimsically dignified, according to classical Far Eastern example, with a geography of imposing Chinese names, of which I remember only that a certain hillock of clean sand was nominally dedicated to the Contemplation of the Honorable Moon. At the back of this quaint pleasure, and somewhat apart from the main house, he had built a delightful Chinese apartment, — or rather a set of apartments, for it was divisible at will by means of paper panels, — upon the spotless planks of whose little low-railed balcony he could sit like an Ashikaga and see the far-off waterfall in a frame of pine boughs, a picture visited by the breath of heaven, an aerial and magic fresco, charged with alteration and tremulously musical. He had spent much of his time in the Far East, and during his last years his delighted fancy followed more piously than before the tortuous paths of the Far Eastern mind. The curve was characteristic of Postlethwaite's sensitive response to environment. In the plains the trend of his thought had latterly become from year to year more notably Indian, abstract and subjective; but in the temperate air and amid the romantic mountain grandeur of the Indragiris he was reminded again of the great landscape painters of China and Japan, and his native interest, his temperamental bias toward absorption in the visible beauty of the world, was confirmed and rejuvenated.

I found him, therefore, a more delightful companion than ever; but his habits had become crystallized with time and living much alone, and his devotion to nature had taken upon itself a certain ritual solemnity, which he treated only half seriously himself, but

which was rendered almost formidable by the air of half-comprehending reverence with which his sister, who kept house for him, and the household of long-service familiars, had grown accustomed to surround it. Postlethwaite, I should have stated, had at his retirement taken for a time to color photography, had become in fact something of a pioneer in that study; and the brilliant glass transparencies which he produced were known throughout the province. He would conduct me, then, through the secrets of his chemicals, in which, to tell the truth, I was by temperament little interested; and he was content to find me a more intelligent collaborator in his gardening — a pursuit upon which he spent much time, not only in his metaphysical Chinese parterre, but amid the more sensuous profusion of the outer garden, whose floral paragons, chiefly roses, were famous throughout those years even among the gorgeous exhibits of the Indragiri Flower Show. He allowed me also to lend a hand in the care of his cattle, enormous milk-white creatures of both sexes, the result of a cross which he had initiated between certain Australian breeds and the stately zebus of Nellore.

I found, however, that he preferred to be left entirely to himself for certain considerable and well-marked portions of the day. He had always professed a periodical, I may say a daily, need of solitude as pressing as that which others feel for company. This appetite of his, I found, had grown with exercise, was more deliberately indulged, less tolerant of dispensation, than of old. The first hours of the day he had always reserved for himself, and now, though he was often seen about the farm in the early morning, he was always uncommunicative at such times, breakfasted alone, and did not appear in public until ten. An hour after

lunch (and here lay the innovation) he was off again, generally for a long ramble, and he took tea alone, and rather late, on the balcony of the Chinese lodge. There he would sit smoking in his dressing gown until long after the colors had faded from the sky above the waterfall. The household were particularly careful not to disturb him at this time, which they seemed to regard as the most sacred hour of the master's day. At dinner he appeared, genial and almost worldly, but still clad in his quaint Chinese dressing gown, unless there were unfamiliar visitors. From dinner onward he was entirely at his guest's disposal, and we would sit until the small hours talking of life and art and science and history, of men and beasts and plants, of the kingdoms of this world, and of the kingdom of God.

Sometimes Postlethwaite would go out alone for the day, and the household were not perturbed if he even failed to return by bedtime, for he would sometimes sleep in the house of some friend at the far end of a favorite ramble. Sometimes, too, he and I and the camera — or sketchbooks, for he dropped his photography before the end — would spend a day upon the hills together, but for the most part the order of the days was as I have described. It suited my own humor well enough, as I was fond of sketching from nature and, like the majority of Anglo-Indians outside novels, used to being long alone; and I never spent happier days than those which are associated with the memory of that curious hermitage, with its choice, full-blooded roses and oxen, white and red, its great, symbolic pine trees, and gracious dreams, on the lovely hillside over against the waterfall.

After living ten years in this retreat, the master was moved to leave it for the last ramble, of which we had so

often spoken together; and became, as he had loved to think, 'a portion of that loveliness,' which his life, for those at least who knew him well, had made more lovely. This event, so sorrowful to his friends, does not, however, mark the end of my story; nor perhaps of his, but I will proceed with mine. His excellent sister remained at Halfway House, though it was several years before I had the heart to visit her there. One day, however, she wrote that she wished to consult me on some matter connected with the disposal of his photographic patents, and I took advantage of a brief Easter vacation to go to her.

I found the house and grounds very much as he had left them. His books, his portfolios, his laboratory, the Chinese lodge and its quaint garden, had been preserved with an exact and pious care. The beeves and the roses, or their descendants, were as large and beautiful as ever, for of the beeves, at least, his sister had always known as much as, or more than, he. But in the neighborhood, beyond the pale of the sanctuary, heart-rending change had been at work. The rude mountain track below the house had become a metaled road, where periodic motor cars ran dustily. Above the trees that fringed the northern rim of the valley basin could be seen some of the roofs of the military settlement of Marlborough, which had grown up around the new cordite factory beyond. Worst of all, they had dammed the stream above the fall, and taken the water away to drive the factory engines.

Its naked cataract — I would rather say, its empty throne — still shone across the valley, a very metaphor of desolation, but beautiful still in its dumb suggestiveness — the tall embrasure of yellow rock whorled and rounded by the corrosion of its vanished waters, the tumultuous fringe of trees

and creepers as thick, and almost as green, as when they trembled in the breeze and thunder of the fall. Few mere sights could be more poignant than the aspect of this void rock as I saw it between the pines from the balcony of the Chinese apartment on the morning after my arrival. The waterfall had always seemed to dominate the valley, to be the high altar, as it were, of an open-air cathedral; rather it had seemed a living presence, which had governed the orientation of that populous chapel of the cathedral which was Halfway House. The hills, the house itself, seemed strangely silent now, for although the sound of the great fall had come to us muffled from afar, and sweetened, as it were, with atmosphere, its pervasive murmur was the only silence that we knew. This hard and utter numbness, like the naked gash in the green heart of the hillside opposite, into which the morning sunlight now shone so pitilessly, was like the palpable and hopeless absence of my friend — an absence now raised to the power of a tragedy in nature.

But that evening at sundown, as I sat in the same place, the place and hour wherein the master of the house was wont to keep his ritual contemplation, sat and dreamed of him and of the days that were gone with him, almost suddenly the valley was filled with the familiar murmur, and lifting my eyes I saw the streams come down over the rock as of old. For more than an hour I watched and heard them, for it was as if my friend himself had appeared and spoke with me. I saw the long, throbbing veils of silver fade into the twilight. I could even see, with a strength beyond my usual vision, with a sharpness which reminded me of that eagle eyesight upon which my friend himself was wont, even to the last, to pride himself, the white plumes of the water overlap and follow one another

into the gulf, like the breast of a great swan, the bird of creative Brahma, sinking forever through the void; and when at last I rose and went into the house the chant of the cataract still rang clear out of the darkness. My spirit was deeply moved, and my emotion, perhaps, made me refrain from speaking of the matter to my hostess that night. Afterward I wondered more prosaically that the people at the factory should allow so much water to run to waste. But when I was told by the old butler, after my hostess had retired, that no great quantity of water ever came over the old way now, and when I went out later and found the night all black and silent, a different kind of awe came upon me, and a conviction drew to light which was confirmed next day by the information given me at the factory — a conviction which I had perhaps subconsciously entertained from the first, but in the hour of deep feeling had regarded as based upon a distinction of no moment; the conviction, namely, that those were no material waters that I had seen and heard.

When I waited in the twilight the next evening, and when again, only a little later, the vision, the voice and the vision, were vouchsafed me, and again with that strange sensuous distinctness, my courage for a moment quailed, until the love and memory of my dead friend overshadowed every other feeling. That night I waited until the voice of the waterfall failed upon the darkness as softly as it came.

An illusion of the mind, you will say — the work of memory and overwrought regret. But wait.

Afterward, when I was bidding my hostess good-night and good-bye, she held my hand and said to me, 'You have seen it, then?' I said yes, I had seen it.

'I too saw it once,' she said, with

tears in her eyes, but I thought there was gladness in the voice. 'That was two years ago. But you have seen it twice within three days. You were a dear friend of his.' And thus, with shining eyes, and a certain sweetness in our hearts, we parted, and I never saw her again; for she too went forth finally from Halfway House not long after, but not until she had seen the phantom waterfall once more, for she wrote of it in one of her last letters.

That is all I have to tell. I am no mystic and a poor metaphysician, and I have searched in vain in my own mind and among current psychological and philosophical theories, aye, and ransacked the ancient wisdom of the East, for an explanation of that beloved and lovely mystery of the South Indian mountains. That it was in some way a manifestation, a unique and intimate manifestation, of the personality of our dear dead comrade, neither his sister nor myself had ever a doubt. She at least was content to leave the matter there; but Postlethwaite himself, in similar case, would not have been so, and I would willingly follow, if I could, the example of that fervent searcher of the spirit. My old friend neither greatly desired nor expected a personal survival other than objective, and I for one still see no clear reason to suppose that he now holds another opinion; but we cannot exclude the possibility that his disembodied spirit directly spoke to us in the garden house that he loved. Or had the repeated ardors of past contemplation established nomes and rhythms of the world-stuff thereabout that shook like an echo along the years, and played upon the sympathetic brain, as upon an instrument attuned, a symphony that spoke with all the subtle organ stops of sense? Or had our own poignant emotion induced in us a state, as it were, of backward clairvoyance, which for a time brought us into

touch once more, not only with the virgin waterfall, but with the mind of the sage for whom it had ever been a symbol of such heart-uplifting sanctities? I write only in vague suggestion, feeling as I do that these conjectures are at best but parts and aspects of the solution that I seek. I have long suspected, however, that the past and the future alike exist, in a sense, now, and are perhaps even accessible to the living sense and mind of us, had we but strength and skill to find our way to

them, or, if you wish, to summon them to us.

Marlborough has grown apace of late, I am told, and hill villas, with pretty posy names, have begun to grow up along the road by Halfway House, and to stare into the vacant cataract. I wonder whether any of their inmates ever see the phantom waterfall!

For myself, circumstances have borne me far, but I still hope to go back there again before I die, to see whether my old friend will remember me.

ADAM AND EVE — AND ANDREW

BY N. B. BLANKENSHIP

THE other day I attended a luncheon at the Civic Centre. It had been planned in the interest of law enforcement, which in this instance, as in most others, meant enforcement of the Volstead Act. This luncheon was not intended as a woman's affair, but was open to the general public; and men would have been even more welcome than women, since it is, on the whole, the men rather than the women who need to be convinced that the necessity for enforcing this particular act is imperative. But of an audience of between fifty and sixty only two were men. I scrutinized them carefully. They were not clergymen or newspaper men; from their expressions I hardly judged them to be Volstead enthusiasts, and so I concluded that they were just husbands.

Their faces showed complete uninterest tinged with hostility as we listened to the various speeches, most of which were more or less openly

triumphing. Almost every speaker recapitulated the history of the Woman's Christian Temperance Union and described the Prohibition Amendment as woman's great political achievement — a statement which is at least partly true. It is certain that this is the first time in the history of any known civilization that the women of a nation, working together, have promulgated a far-reaching law to which the men *as a whole* are more or less opposed. The thrill felt by the women at the luncheon as they realized — some of them, perhaps, for the first time — the enormous political power of women working as a group was obviously not shared by the men.

Perceiving this, it seemed to me that I perceived also the underlying reason why the relatively unimportant question of 'to drink or not to drink' has suddenly resolved itself into the paramount issue in America to-day — an issue all discussion of which is

characterized by a bitterness scarcely transcended by that of the slavery discussions before the Civil War. That this increasing bitterness results from a clash between very powerful forces, no one, I think, will deny, although he may not be prepared to define their alignment. To my mind it is not simply a case of Reformers versus the Rest of Us, or Puritans versus Pagans, as at first sight may appear. The division is less complex than this, but more ominous. It is, quite simply, a clash between women as a group and men as a group, and the reason for the clash is as old as Eden and as new as the Nineteenth Amendment.

The history of civilization is also in no slight measure the history of the relationship between the sexes. In the beginning, so diverse were the activities of men and women that there could be no more antagonism between them than between Fiji Islanders and Eskimos, who are not even aware of each other's existence. Later, when man finally began to attain mastery over the fullness of the earth, and the struggle to live became less all-absorbing, the supremacy of purely physical strength began to wane and sex antagonism gradually developed. For some time we have been conscious of its undercurrent below the surface relationship, but now, I think, it is manifesting itself openly for the first time in history and its first act is to hoist man with a petard constructed by himself.

For a sufficient number of generations women had it drilled into the innermost recesses of their conscious and subconscious minds — by men — that self-sacrifice, principally for the sake of husbands and sons, was not only the station in life, as we say in the Catechism, to which they had been called by God, but also the highest ideal to which they could attain. Even so recently as thirty years ago literature

was crammed with heroines whose sole claim to be thus described lay in their powers of self-denial and renunciation. It is hardly exaggeration to say that woman was taught — again by men — that the world's path to its goal lay over her prostrate form.

When the absurdity of this idea at last percolated through society, woman, emerging from the background of which she had so long been a part, brought with her the best of the old way of thought — a thorough comprehension of the necessity, power, and beauty of self-denial. Society no longer considered so admirable a quality ideal for women only, but showed a growing tendency to set it up as a standard for men.

If self-denial on woman's part was good for the world, self-denial on the part of both men and women must be twice as good. At any rate this assumption sounded logical to the women, and the men with some slight reluctance agreed. Eventually America turned herself into a huge psychological laboratory to see how the theory worked out in practice.

For a year or two after the war it seemed that the woman's solution was correct. Drunkenness, and the crime and disease attendant thereon, markedly decreased, but before the women could say, 'I told you so,' something happened. With very little warning a reaction set in, so violent and so complete that to-day we are confronted with a state of affairs which is little short of appalling. I think it is fair to say that this reaction was principally among the men, who, as a group, were never whole-heartedly enthusiastic over Prohibition. Self-denial is at best a negative virtue, and the psychological make-up of man desires something more positive as his ideal. This reaction to an ideal too uninteresting or too imponderable for his continued

loyalty brought the ever-mounting wave of sex antagonism to a climax, and for the first time men and women openly confront each other across the line of sex. That women as a whole are either actively or passively for Prohibition, while men either actively or passively are against it, is abundantly proved when we consider the undeniable fact that, if men ardently upheld and strove for the enforcement of the Volstead Act in the same proportion as do women, Prohibition would for some time have been a well-established fact.

The W. C. T. U. is correct, then, when it says that if the Eighteenth Amendment is to be enforced it must be done by the women, aided by the clergy (the only great masculine group which has been especially trained to the woman's ideal of self-denial). Such enforcement can be brought about only at the price of ever-increasing bitterness. Bad as conditions are now, I believe that this clash on Prohibition may be only a skirmish in a sex war which will probably be bloodless, — except incidentally, — but which nevertheless may prove subversive of civilization, old style.

Since men and women are alike necessary to each other and to the world, it is difficult at first glance to see why sex antagonism should ever have arisen and still more difficult to understand why it should have developed its present intensity. A little thought, however, soon shows us that through the ages the ideals which urged forward men and women were not the same. Just as women, from time immemorial, have been trained to self-denial, so men have been taught to regard personal liberty as their most precious attribute. Now we are discovering that the two are not necessarily compatible; and the clash is not only between men and women, but between the two different ideals toward

which the two groups have struggled for uncounted generations.

What the end will be, who can say? Unfortunately there seems little common ground between the two sides. The increasing similarity between the sexes of which we have heard so much is after all a recent and superficial growth. The ideal self-denial which is almost a sex trait in woman is a recent development in man, and while he can, on occasion, sacrifice himself with the best woman who ever lived or died for others, yet when it comes to the little self-denials of every day he violently reacts and reverts to the old and hardly won ideal of personal liberty.

In spite of her much discussed freedom, equal in every respect to man's, so used is woman to sacrificing her personal liberty to the welfare, first, of the family (and as long as there are families this sacrifice must be made), second, of the community, that she is utterly out of sympathy with the attitude of man. She cannot even understand it. Where the average man sincerely feels that denying him his right to take it or let it alone strikes at the very root of a liberty which in past ages has been dearly bought, woman can only see that man in order to avoid denying himself what she considers a very trivial gratification is willing to connive at almost any crime.

Under the conditions of the present day, physical strength no longer counts as in past ages. Differences of opinion are settled by ballot boxes more often than by bayonets. Thus woman's power to control modern life so nearly matches man's that to me it looks as if the irresistible force of woman's desire to protect humanity even against itself had encountered the immovable obstacle of man's inherent objection to being protected. Out of the resulting chaos, who can tell what new social system may evolve?

WANTED — A MEXICAN POLICY

BY WALLACE THOMPSON

I

WHERE are we going with Mexico? What is the reason for the confusions and the failures in our Mexican relations? Is it, actually, a lack of policy, or is the situation really an impossible one, or is it that we follow a policy which, as the Mexicans tell us, is outworn and unfair and unwise?

A learned doctor of laws from one of the great lands that lie to the south said to me the other day: —

‘There are only three policies that you of the United States can follow toward Mexico. First, you can leave her alone. Second, you can intervene in her affairs by turning revolutions loose upon her. Third, you can make a conquest of her territory.

‘The third you may not follow, because your people will not let you. The second, intervention, you have been following for a hundred years, in all the ways possible to the imagination, and yet you still have the same old troubles with Mexico. Why not try the first way, and leave Mexico alone?’

Before answering that keen inquiry, we have much ground to cover. First, this policy of ‘intervention.’ The Latin American can never be convinced that the United States is without a policy in Mexico, an international plan of procedure. The Latin American starts with a premise that all we have done with Mexico is a manifestation of that definite policy. He traces these steps in our past history: the Mexican War, and its conclusion in the cession

of the rich empire of California to the United States; the thirty-five years of support of Porfirio Diaz while Americans grew in power and wealth in Mexico; the massing of troops at the Texas border, which all Mexico (including General Diaz himself) took to mean that his hour had struck, and that we had deserted him; the death of Madero, glibly laid to American interference; the fall of Victoriano Huerta, frankly brought about by President Wilson’s pressure; the decision, in Washington, that Carranza, although he had flouted us, was the right man for Mexican president, and our forthright recognition of him; our disgust with Carranza that encouraged Obregón to hasten his own rise to power following upon his triumphal tour of the United States; and finally, in recent months, the tremendous diplomatic pressure on Calles while he was stubbornly seeking to enforce the myriad inchoate provisions of the Mexican Constitution of 1917 that his predecessors had allowed to lie fallow. The Latin American observer sees — not illogically — a continuing policy running through it all.

Whether these predatory appearances of what my Latin American friend called ‘intervention’ set forth fairly the real policy of the succeeding governments in Washington is, however, open to question. The recent reiteration by President Coolidge of an earlier Mexican doctrine — that of President Hayes — certainly suggests

that the activities of the Department of State may really be motivated by a determination for 'the protection of American lives and property,' by means not always tactful, to be sure, but sincere, and, above all, the result of a definitely chosen road.

On January 7, at the White House Press Conference, the presidential 'spokesman' read, for the benefit of the assembled journalists and the millions who were to read their dispatches, the so-called 'Evarts Doctrine,' contained in the note written on August 12, 1878, by William M. Evarts, Secretary of State, to John W. Foster, then Minister to Mexico. It was stated, on behalf of the President, that this had been, and still was, the policy of the United States toward Mexico.

The first duty of government is to protect life and property. This is a paramount obligation. For this governments are instituted, and governments neglecting or failing to perform it become worse than useless. This the government of the United States has determined to perform to the extent of its power toward its citizens on the border. It is not solicitous, it never has been, about the methods or ways in which that protection shall be accomplished, whether by formal treaty stipulation or formal convention; whether by action of judicial tribunals or that of military force.

Protection in fact to American lives and property is the sole point upon which the United States are tenacious.

We did not, however, have to wait for that old Evarts phantom to walk the boards anew to learn the present attitude of the American Government toward Mexico. It is expressed over and over again in the diplomatic correspondence of 1917 to 1926. True, the voice of the White House carries farther than voluminous notes hidden in government archives. But Mexico, at least, read the documents, even if the American public did not — for her

Foreign Minister answered them. Out of the mass we can pick clarifying phrases regarding our present policy.

My government reserves on behalf of citizens of the United States whose property interests are or may hereafter be affected by the application of the two above-mentioned laws (the alien land law and the petroleum law) all rights lawfully acquired by them under the constitution and laws of Mexico in force at the time of the acquisition of such property interests and under the rules of international law and equity, and points out that it is unable to assent to an application of the recent laws to American-owned properties so acquired which is or may hereafter be retroactive and confiscatory. (American Ambassador James R. Sheffield to the Mexican Minister of Foreign Affairs, Aaron Saenz, January 8, 1926)

An injury done by one state to a citizen of another state through a denial of justice (should there be a denial of justice) is an injury done to the state whose national is injured. . . . The injury . . . is the basis of the right of his state to seek redress for the injury in conformity to the established standards of civilization which modern states have mutually acquiesced in and which have become a part of international law. (Secretary of State Frank B. Kellogg to Mexican Minister of Foreign Affairs Aaron Saenz, March 1, 1926)

The basis of present negotiations over the retroactivity of Mexican laws enacted in the past two years is a series of memoranda drawn up in August 1923 at the meeting in Mexico City of the Mexican and American Commissioners who negotiated the two Claims Conventions which were signed just prior to, and were in part the basis of, the recognition of President Obregón by the United States Government, on August 31, 1923. The American Commissioners were Charles Beecher Warren, later American Ambassador to Mexico, and John Barton Payne; the Mexican representatives were Ramon Ross and Fernando Gonzalez

Roa. Besides the Claims Conventions, arranging for a settlement of sixty years of damage suits against Mexico and the United States, the 'proceedings' of these conferences set down a number of principles. These included agreements on Mexico's future oil policy and on the form of payment to American owners for the lands taken by the Mexican Government for the establishment of small holdings and village commons.

These 1923 agreements the United States has continuously held to be of supreme political importance, as setting down the promised future policy of Mexico. In the negotiations with the Calles Government since 1924, the Mexicans have held that these agreements were merely the expressions of the policy of President Obregón, — his platform, so to speak, — and have neither the binding force of a treaty nor anything approaching it. Much has turned on this difference of point of view. It is typical of the whole controversy, and of its misunderstandings and charges of bad faith. To the Department of State the Mexican attitude has been a breach of honor, while to the Mexican Foreign Office it has apparently been a palladium of independence from the pressure of American diplomacy.

The Payne-Warren agreements do stand, however, as a definite milestone in Mexican-American negotiations, as the statement of Mexican policy accepted by Washington. At the formal Conference on August 2, 1923, the Mexican Commissioners set down the following as among the 'natural consequences of the political and administrative programme which the Mexican Government has been carrying out': —

It is the duty of the federal executive power, under the Constitution, to respect and enforce the decisions of the judicial power. In accordance with such a duty,

the Executive has respected and enforced, and will continue to do so, the principles of the decisions of the Supreme Court of Justice in the 'Texas Oil Company' case and the four other similar *amparo* cases, declaring that paragraph IV of Article 27 of the Constitution of 1917 is not retroactive in respect to all persons who have performed, prior to the promulgation of said Constitution, some positive act which would manifest the intention of the owner of the surface or of the persons entitled to exercise his rights to the oil under the surface to make use of or obtain the oil under the surface; such as drilling, leasing . . . or manifesting [such] an intention. . . .

The above statement has constituted and will constitute in the future the policy of the Mexican Government . . . and the Mexican Government will grant to the owners, assignees, or other persons entitled to the rights to the oil, drilling permits on such lands, subject only to police regulations, sanitary regulations, and measures for public order and the right of the Mexican Government to levy general taxes.

II

Although the present era in the negotiations over the oil situation dates properly from the Payne-Warren agreements, the question has been virtually unchanged as well as unsolved since May 1, 1917, when the new Constitution of Mexico went into effect. The first protests filed by the Department of State with the Mexican Government were over the provisions of Article 27, the famous antiforeign clause of that document. Then came the decrees of Presidents Carranza and Obregón, and now the law and its regulations. The Constitution of 1917 specifies: —

In the Nation is vested direct ownership of all minerals . . . including petroleum and all hydrocarbons — solid, liquid, and gaseous.

The laws enacted under the old Constitution of 1857 provided that all

minerals *excepting* coal and petroleum belonged to the nation; these belonged to the owner of the surface. This was the inheritance of the old Spanish royal right to precious minerals — coal and oil had not become precious in the colonial days. The Constitution of 1917 placed the 'direct ownership' over petroleum as well as all other minerals in the hands of the nation. In the meantime, however, American and other foreign oil companies had acquired an immense holding of producing and potential oil lands. They have held them ever since, against the presidential decrees of Carranza and the legal battlings of his successors.

The old titles, taken when the Mexican Constitution of 1857 gave the oil to the owner of the surface, are the bone of contention. The legal basis of these titles was wiped out by the Constitution of 1917 and its subsequent interpretations, and the American diplomatic controversy of the past ten years, so far as it concerns oil, has been directed toward saving those titles for the American oil companies. By the law which went into effect December 31, 1926, and under its regulations, the old fee-simple titles are exchangeable (if a 'positive act' of oil development has been performed) for fifty-year concessions; if there have been no 'positive acts,' the title lapses forthwith. The concession is to date from the beginning of development, which in some instances goes back nearly twenty years, considerably shortening the prospective life of the fifty-year concessions. There have been assertions (but not in the law) that Mexico will extend the concessions on the old properties for a second fifty years.

Mexico claims that the new plan is a 'right of use' and, therefore, constitutes a fair and equitable exchange for fee-simple titles to lands owned purely for their oil contents. The United

States Government says the system makes the Constitution retroactive and confiscatory and insists on a 'confirmation' of the old titles under terms discussed and noted in the 1923 Payne-Warren conferences.

These claims of the United States Government, it should be made clear, are not presented on the basis of the Mexican Constitution; its legality does not enter into the discussion of the question. The claim of the United States is solely on the ground of international law and equity and the rights of Americans provided for in the 1923 agreements. Much ink has been spilled in the long discussion of these issues. The American position was perhaps best stated in the following excerpt: —

This Government cannot fail to point out that the exchange of a present title for a concession having a limited duration does not confirm the title. Such confirmation can be brought about by regulations in harmony with the Supreme Court decision (in the Texas case cited in the Payne-Warren agreements). Nor can this Government fail to point out that anything less than a confirmation does not grant the owner in the language of the Supreme Court of Mexico, without the necessity of a permit from any authority, the right to appropriate such products of the subsoil (petroleum) and does not enable the owner to transmit his acquired rights as he would any other property. (Secretary of State Frank B. Kellogg to Mexican Minister of Foreign Affairs Aaron Saenz, January 28, 1926)

The Mexican answer to these objections was stated as follows: —

To grant a concession in exchange for an actual title is to confirm the latter, because the granting of the concession will have no other foundation than respect for the former; and although it is true that concessions are for a limited duration of time, on the one hand to determine the period for the future exercise of a right is not to proceed retroactively, because it does not modify the effects already consummated

of a right, but only applies a rule for future use, and on the other hand, the period of a concession having expired, the latter may be extended or another obtained, wherefore in practice no prejudice is caused by the application of the precepts under consideration. (Foreign Minister Aaron Saenz to Secretary Kellogg, February 12, 1926)

The petroleum law has also been protested by the United States Government on the ground that the 'positive acts' which were arranged in the Payne-Warren agreements are not held sufficient, in the new law, for the holding of some of the properties without actual wells, and much argument has been recorded on both sides. The Secretary of State has insisted consistently upon the English conception of property, holding that property must exist even without such 'positive acts of appropriation.' The conflict here has been well summarized by the Mexican Minister of Foreign Affairs, in his note of October 7, 1926: —

According to the American position, the rights exist just because the law makes it possible for them to exist. From the Mexican position, a right cannot exist unless there be a positive act of man which gave it birth.

Later in this same note he says: —

In the matter of petroleum, the purpose of the foreigners who believe they have acquired rights to the subsoil antedating 1917 is that those rights be respected. The purpose of the Mexican Government is that the principles of nationalization of the petroleum be applied. But there cannot be two laws, one concerning the rights acquired prior to 1917 and another concerning rights acquired subsequently; and with regard to the rights acquired prior to 1917, neither can there be two ways of enforcing the law, one for the nationals and one for the aliens. Neither can the operation of the Constitution be indefinitely suspended. It is, therefore, proper to seek the manner in which the rights acquired prior to 1917 subsist in practice within the new laws, and this can-

not be done except by placing the former acquired rights under the new rules under such conditions that although the legal theory on which they are based has been changed, they are not altered or impaired.

Mexico's anteforeignism is not a fetish manufactured out of the imaginations of discouraged diplomats. It is very real and usually quite frank. The Constitution provides for the elimination of foreign property holdings. This is being carried out literally to-day. The oil concessions will work themselves out in fifty years. Even earlier, in case of American acceptance of the new oil law, the control of the subsoil will all be in the hands of the Mexican Government. Titles to agricultural land must be disposed of by foreigners at the death of individuals now living, or, in the case of companies, within ten years. Mining concessions, which, during four hundred years, were granted in perpetuity so long as taxes were paid, are now (by a law already in effect, but hardly known in this country) outlawed, and must be exchanged for new concessions lasting thirty years or fifty years from the beginning of the first development, possibly generations or centuries ago. The forestry law places the control of all trees in the hands of government officials; the irrigation law allows commissions of small local landowners to divert streams which have been enjoyed for centuries. The labor law, which is to be an enactment of the rather elaborate labor provisions of the Constitution of 1917 (themselves virtually a code of labor legislation), is now under discussion in Congress; foreign employers have many times stated that its provisions are confiscatory of their industrial properties. The new banking law will, its critics say, take all banking out of the hands of foreigners.

Through all of these laws there runs the provision that foreigners, in order to hold property of any sort in Mexico,

may do so only through a Mexican corporation in which the foreign stock holdings are definitely in the minority, or by renouncing all right to diplomatic protection and agreeing to consider themselves Mexicans with regard to that property. The Department of State, however, has again and again declared that, even though an American should so divest himself of the right of appeal, this Government cannot consider that it is estopped from protesting and protecting its national in case of a denial of justice in Mexican administrative or judicial procedure.

The Department of State has reiterated, nevertheless, its recognition of the full right of Mexico to legislate for the future, and the present controversies are definitely confined to cases where the United States Government holds that the Constitution has been or may be applied retroactively to destroy American-owned property that was legally acquired prior to 1917.

Mexico has from time to time brought up the fact that in certain American states, notably Arizona and Illinois, foreigners are not allowed to buy property. Secretary Kellogg replied to this contention in his note of January 28, 1926, pointing out that both the Illinois Law of 1897 and the Arizona law of 1913 'are expressly made to apply to future acquisitions of real property and do not apply to property already acquired.' He states also that, on the other hand, the Mexican land law requires the alien owner of many rural properties 'to divest himself of the ownership, control, and management of his property.'

Mexicans, none the less, do not expect to be deserted by capital. This is one of the facts of which we often lose sight. No Mexican, in discussing the future possibilities of the development of his country, has the slightest doubt that foreigners will flock there, once

the legal tangle of the old property values is cleared up. In the note of October 7, 1926, Mr. Saenz says: —

Investments which may be made in the future, and they will undoubtedly be made, because capital and enterprising men will always adapt themselves to new legislative conditions, will indisputably be of much greater importance than the interests which exist at present.

Mexico is certainly not anti-property, but she is firmly anti-capitalistic, and, at the moment, anti-American, in her enforcement of the provisions of her Constitution. There is a calm determination not to yield now to American pressure, chiefly because to yield now would be, in Mexico's concept, to continue forever, within the nation, a privileged group. It may well be that when the power of the Mexican Government is firmly settled there will still be the buying of privilege that there has been during the years of uncertainty, when capital had no rights and yet in strange ways (not widely advertised) still was enabled to worry along, whether or not Washington could furnish effective protection, or whether or not the Department of State could make an 'arrangement' with the current Mexican Government. But I suspect that even the most honest of the Mexican leaders will consider it a happier condition than if the foreigner had actual legal rights greater — in any sense or by any means — than the native Mexican's. In that ground I think we shall find the Mexican — honest man, grafter, agitator, or humble peon — as firmly embedded as in the dogmas of his individual religion.

III

There is no doubt that the Mexican shoe pinches in Washington. Those who have kept watch at the Department of State through the long months

of the controversy have noted from time to time not a little exasperation on the receipt of these elaborately embroidered Mexican documents, with the sting hidden under words or within words. Why this exasperation, evident to others as well as to us of the press? Why is there apparently a deep resentment that makes distrust and dislike almost the basic tenets of our official attitude toward the Mexican problem?

There is, to begin with, no very pronounced knowledge or understanding of that Mexican psychology that baffles older heads in Latin American matters than Mr. Coolidge's or Mr. Kellogg's or Mr. Sheffield's. They have tried again and again, with more or less unsucess, to reach in their notes a touchstone that will bring a compliance with their requests, or with their demands. Once, as most readers of the newspapers will remember, Secretary of State Kellogg made a formal statement to the press about what the United States Government thought of President Calles. These words from that statement of June 12, 1925, brought an avalanche of denials and protests from Mexico: —

The Government of Mexico is now on trial before the world. We have the greatest interest in the stability, prosperity, and independence of Mexico. We have been patient and realize, of course, that it takes time to bring about a stable government, but we cannot countenance violation of her obligations and failure to protect American citizens.

That once, Mr. Kellogg let the American public in on his views of Mexico — he is not likely to do it that way again. There was no doubt, at the time, that this statement, and the reply made to it by President Calles, opened a door of frankness that could have been developed into some phase of at least honest disagreement, had President Calles in his turn been answered sanely and convincingly and

been told what was really meant. But no answer was ever made, and to-day some of the deepest of all the unsayable things with regard to the policy of Washington toward Mexico are hidden beneath the débris that this remark brought down upon the head of a very much astonished Secretary of State.

Then, there is a disagreement as honest as it is profound over the American and Mexican points of view on the importance in world affairs (and in Mexican affairs) of the Mexican revolution. There is no reason for denying that, from the point of view of a practical, business-economy American administration, the supreme stupidity of the Mexican revolution has never really been forgiven. Washington simply cannot now, and perhaps never will, see a possible justification of the Mexican revolution in the social reforms attained or crudely begun. The Mexican diplomatic notes, meanwhile, go glibly ahead and present the new dogmas of the revolution, even the latest law passed by the legislatures, as if each phase of it — even those only a month old — had the binding force on the whole world of the centuries of accumulated equity of the Anglo-Saxon common law.

The graft of Mexico, to the mind of Washington, wipes out, also, much of the force of the Mexican discussions of right and justice. Mexico insists that the courts are not subject to the Executive, and Minister Saenz is very sad over the naïveté of Washington in thinking that they can possibly be. Mexico solemnly enacts her complicated laws and piles legal conflict upon legal conflict, and yet the accidental suggestion by Washington that this may be done for the benefit of Mexican lawyers would grieve the Mexican Government beyond words. The graft in Mexico is, however, colossal.

To-day the methods are more subtle

than in the early revolutionary days, but the present laws and all their innumerable regulations place the control of permits, of water, of wood, of transport, and so forth, in the hands of a horde of minor officials. They speak (to the thought of Washington that is never, now, put on paper) a peril for years to come to honest men in Mexico, be they foreigners or Mexicans.

In the course of the controversies over the oil laws, Mexico has brought forward many extraneous issues. Never fear, she has mentioned the Eighteenth Amendment and the Volstead Act. On March 1, 1926, Secretary Kellogg replied, on that point, as follows: —

The liquor business in the United States was not a property right but a licensed occupation which was subject to the fullest extent at all times to the police powers of the states, to license by the United States, to the war powers of the Federal Government, and now, subject under the constitutional amendment, to the police powers of the United States.

The Mexican Foreign Minister did not fail, however, to make a point out of this statement, regarding the conflict of systems which he so often emphasizes. In his note of March 27, 1926, Mr. Saenz writes: —

By way of merely explaining the reference made on the subject by this department, I venture to say to your excellency that in Mexico the word ownership is understood to mean not only the dominion of the material thing, but also the same faculty over a right, and that was the point of view from which the allusion under consideration was made.

Late in 1926 the international relations of Mexico and the United States came to grips — over Nicaragua. The issue became, in a few weeks, the overshadowing phase of the whole problem. The oil controversy was forgotten for days, both by the press and, apparently,

by the two Governments. But Nicaragua was from the beginning a secondary issue. In the long chain of strangely assorted links that make up the Mexican situation it fits rather less well than most of the extraneous issues that have been brought in with it. The Mexican situation itself remained much as it was before — with only the added problem of 'Bolshevism,' whose extremely liquid designation was applied to the anti-American manifestations which accompanied Mexico's espousal of the cause of the Liberal Party of Nicaragua.

There is no doubt that Russian radicals were active in Mexico in 1917, and since. So, also, were American radicals, and they were and have been rather more practical than the Russians, and quite as anti-American. There seems no doubt, however, that Moscow has striven definitely for the gradual turning of Latin America against the United States. Mexico has had a part in this, in various ways, chiefly through propaganda, but Mexico's support of Moscow in Latin America has been because Mexico seeks a leadership in Latin America to which the hegemony of the United States is the chief obstacle. The lessening of American influence through Russian anti-imperialistic propaganda fits in with the Mexican plan, and it is largely if not entirely for this reason that the two work as closely as they do in Central and South America.

The anti-Church agitation in Mexico, which is again active, and into which the United States is from time to time drawn in spirit if not in action, is not basically Communistic or Bolshevistic, to continue the use of that word. In the early years of the sixteenth century, the Vatican gave to the King of Spain the rights to the revenues of the Church in Mexico, as in all Spanish America. The net result, in the centuries that

followed, was that the clergy kept as much of that revenue in Mexico as possible — they could not send it to Rome and they did not want too much of it to get to Madrid. They invested fabulous sums — not counting the labor, which the Indians were allowed to give free — in nine thousand superb colonial churches, most of which stand to-day. In addition, immense sums were invested in church lands, or loaned out at rates of interest as low as five per cent a year; Charles II of Spain tried to call in forty-four million pesos of these funds.

The Church opposed the early revolutionaries when they sought to take over the rights of the King of Spain to the church revenues as they took over other royal prerogatives. The battle has waged from that day to this. The churches and their property were confiscated in 1859; the reiteration and reënforcement of those old laws in 1917 and in 1926 had no great significance, except that they aroused the Catholics of the United States. The church problem in Mexico, so far as the Government is concerned, is chiefly economic; at its worst it is a denial of religious property rights in order to make the Church legitimate loot for the armies, and at its best it is an effort to place religion — the Roman Catholic religion — back in the spiritual field instead of the material.

IV

But where does all this leave us, the American people? Our Government has, we have seen, a policy toward Mexico. It has grievances against Mexico. Mexico has a policy of growing definiteness toward us — and that growing is in the direction of hostility, for Mexico has her own grievances against us. There is sincerity in both — Washington, of course, is no more

the mere tool of Wall Street than Mexico is the tool of Moscow.

Yet, our policy and Mexico's policy have, between them, gotten us nowhere. Is there another policy that we both could follow, a policy that would really turn us toward a solution? Not dreams, now, but a practical plan that will carry us forward, that will solve the oil mess, and the land mess, and the mining mess, and all the others, and that will solve Mexico's difficulties and leave her a chance at that new Constitution she has never yet had an opportunity to enjoy to the full and complete extent of all its extravagances. Is there such a policy?

I think there is. I have had a growing conviction that the policy of to-day is an incomplete one and that the correction of that incompleteness does not mean an overthrow or necessarily a great change from what has been, but an addition to it, a relationship that would bring our own aims, and Mexico's, clearly into the light of the searching, yet friendly, scrutiny of the wisest and most potent minds in both countries.

Essentially the situation is that the policy of the United States toward Mexico (and of Mexico toward the United States) has, and must ever have, two phases. One is immediate, the other cumulative. The problem of the moment, on our side, is always the protection of American lives and property — that, as Secretary Evarts said, is a 'paramount obligation,' the obligation for which governments are created. That policy of protection we have followed, and follow to-day, over a rough and uncertain road, with no goal in sight, only an endless duty. The other policy overlaps, but does not touch, the immediate crises and their trends. Yet it builds, whether we wish it or not, the foundation upon which we shall stand in the future, when in that future we meet again the immediate

issue — again the protection of American lives and property. That overlapping, cumulative policy can be controlled, however, as the immediate policy cannot. It can be made to produce for us a fountain of precreated good will, as well as, if not so easily as, a groundwork of ill will and distrust such as both we and Mexico inherit to-day.

The Mexican question will probably never even approach a solution until there sits in the great Secretaryship of State a man schooling himself, not only to meet the problems of the moment with firmness and understanding, but to build, in the very midst of the succeeding Mexican crises, the friendly foundations for the solutions of the problems of twenty-five years hence.

Could it be done? Could we do it without getting hurt? Ah, that is another question. We might get badly 'hurt' — oil wells might even be confiscated, or destroyed, land and mining titles wiped out. But it would be worth trying. My Latin American friend suggested leaving Mexico alone. That is not the solution. We must make Mexico our friend, or we gain nothing by leaving her alone, save a return to the days of border raids, battles, and then conquests, as in 1840-48 — some of the saddest pages of them all for Mexico.

Suaviter in modo — and, if need be, *fortiter in re*. It is that 'gently in manner' that will build for the future; 'firmly in fact' may be needed, I freely admit, in the problems of the present. Yet, however firm, no note we send to Mexico should be couched in any but words of sympathy. Heaven knows there is basis enough for sympathy, even if we take only the bitterness of Mexican pronouncements, or the innuendoes she buries for us in her notes — if we are big enough to see, and to pity.

The American ambassador to Mexico should, for such an end, always be an

ambassador of good will, whatever his difficulties or exasperations. He must be ready, despite Shakespearian injunction, to dull his palm with entertainment of a dozen hundreds of men he may not like, or understand, at first. An ambassador opening schools in dingy, stupid, pitiful Indian villages, an ambassador entertaining and working and living close to the Mexicans, learning, changing his point of view each day, if he will and if new light comes to him. There is, to-day, no job on earth harder than being American ambassador to Mexico. This job just outlined is harder than any ambassador to Mexico has yet conceived it to be.

And not merely the ambassador, but American foundations, endowed institutions, colleges, universities, federations of art and labor, trade-unions — they must be brought into the picture, understandingly, loyally, having the facts and knowing the needs and the difficulties, and yet going in. Some of the greatest, indeed, are in Mexico to-day, seeking for common ground and common problems with Mexico, and in common labor finding friendship and coöperation and understanding. It is all fantastic, mad — even what has been done already. Yet what have we gained from all our worldly wisdom that has kept, and still keeps, our official world so far aloof and apart from the new Mexico of to-day?

As for the Secretary of State — why can he not do, why does he not do, what Mr. Baldwin and M. Briand and Herr Stresemann do in Europe to-day, and what their predecessors have done for centuries? Why could he not visit back and forth, informally and so frequently that the significance dies away, with the Mexican Minister of Foreign Affairs — in Mexico City as well as in Washington?

What would Europe be to-day without that very exchange? Were not such

visits a problem, of time and safety, in Europe in the older days when there were no fast boats across the Channel, no trains, and no airplanes? Mexico City is now but four days away by rail — to-morrow it will be part of two days by airplane. Do you think that Mr. Kellogg and Mr. Saenz might not get somewhere if they sat down together with President Coolidge in Washington, or with President Calles in Mexico? Not the first visit, or the second, but the fifth, the sixth, the tenth — they would tell!

Yet it all might fail — I will admit it more readily than will he who reads. But it would be a great failure!

Before this article is printed the next issue that I would mention may be a practical reality — arbitration may at last be trying its hand at a resolution of the oil-law tangle. To be sure, the controversy had reached a stage of bitterness rather beyond the possibility of easy arbitration before President Calles and Senator Borah put out their respective feelers, in January, on this matter of arbitration. Surely such issues, if talked out frankly and with less of the vast formality of the diplomatic exchanges, might much earlier have reached such a tribunal as the Permanent Court at The Hague. There is, we must realize in criticizing Washington's caution, that deep distrust of Mexican sincerity in all such questions, but are we gaining anything by avoiding arbitration until it is forced upon us? We could take, I think, another chance on arbitration!

There is yet another point. The friendly way that Jesus Christ advocated to the disciples was to go quietly to an erring brother, and in quietness talk it over. There seems to be rather too much limelight on the remarks to and from Mexico. Mexico will always find a way, when she knows what is wanted, and if she is convinced

that it is fair and not aimed at her dignity and sovereignty; and even if it is, if it can be done without the glare of the grim demand. She has always found a way; she has done it a few times, even, in the limelight, but I have always believed that the Evarts Doctrine, for instance, succeeded, not because it was rough, but because it was firm and fair and did not tell Mexico *how* to comply. I sometimes wonder if we do not talk too much about the modification of laws and judicial decisions and such methods when we carry on the oil and land and mining correspondence. We do not know our power; we think we must insist and 'arrange.' We seem no longer to negotiate; we demand and seek arrangements of myriad detailed issues. We might so easily be a little more mediæval, so to speak, in our diplomacy. *Suaviter in modo, fortiter in re* — and Mexico would find the way to meet us.

Before these words are printed the Mexican situation may have flamed into fire; American lives, even, may have been taken, and diplomatic relations broken. As I write, the situation is electric with possibilities and dangers. Yet the problem remains unchanged, and the solution stated here is as true as it was when those who genuinely wished the best for Mexico first hailed Madero as a friend and savior for us all. A revolution or American soldiers might sweep President Calles out of office, and might even set up a profoundly 'pro-American' régime, but the 'Mexican situation' would remain; the problem of protection of American lives and property would remain; and there would remain, no nearer solved than it is to-day, the problem of making friends with Mexico. Yet it is simple, is the Mexican problem — simple if both we and Mexico face it with simplicity and wisdom and good will. And the greatest of these is good will.

THE INTERALLIED DEBTS

BY F. W. TAUSSIG

I

THE sums involved in the settlements with our former allies are very great. The total owed to the United States comes in round numbers to ten billions of dollars — ten thousand millions. Almost the whole of this sum is due for advances made during the war and for the conduct of the war. Something is owed for American supplies left over in Europe after the war and sold there, and something more for relief extended after the war. Over nine-tenths, however, represents war expenditure, and it is this nine billions alone to which I shall give attention. The three chief debtors are Great Britain with four billions, France with three and one-third billions, Italy with one and two-thirds billions. I state the sums in round numbers, as I shall throughout this paper.

Agreements on the terms of repayment have been made with all the debtors, big and little. With the exception of France, each of them has come to a definitive settlement with the United States; and a settlement with France will doubtless come ere long. In every case the agreement is for annual payments spread over a period of sixty-two years — the period beginning with the year 1922 for Great Britain, with 1925 for Belgium, 1926 for Italy, and so on, according to the dates when the several agreements were reached. The annual payments are moderate, in some cases even small, for the first five years, and then rise to a

figure which is maintained practically to the end. Great Britain is the only country that pays heavy sums at the start — roughly 160 millions a year for the first ten years, thereafter about 180 millions. Italy's payment begins with only five millions, rises to twenty-three millions by 1936, and finally attains a maximum of fifty millions a year. Belgium's begins with five millions and in ten years becomes about thirteen millions. The proposed arrangement with France calls for thirty millions annually during the earlier years (beginning with 1926?) and for a maximum of 125 millions by 1943; some such figures, it is probable, will be found in the eventual settlement. Taking all the countries concerned, and including the sums proposed for France, we find that the total remittances to the United States on debt account will be, in round numbers, 210 millions a year during the first five-year period, and 250 millions for the second quinquennium; then about 350 millions for forty-five years thereafter; and finally something more than 400 millions for the last decade of the long-drawn-out process. The end is to be reached in 1984 for Great Britain, and in the years immediately following for the other countries.

I remarked at the outset that the sums involved are huge — totaling no less than nine billions. But this total stands only for the book amount of the loans as made by us during the two short years of the war period. What it

stands for in other terms than book account — what was really handed over by us to our allies when the loans were made and recorded — will be indicated presently. While it behooves us to understand and remember just how things then took their course, this aspect of the case does not bear on the point to which I would at present direct the reader's attention. What is now to be noted is the obvious contrast between the huge lump sum and the comparatively small annual payments, and the perhaps less obvious fact that this series of moderate annual payments is the one real thing coming back to the United States.

The annual payments alone have concrete importance. True, an actuary can calculate how much they represent, from his point of view, as an equivalent capital sum. According as he figures on a 3 per cent interest basis, or on one of $3\frac{1}{2}$ per cent or 4 per cent, he will tell you that so many billions — more or less as the assumed percentage rate is lower or higher — may be reckoned as the 'present value' of what is coming back; and he will tell you, too, how much may be regarded as repayment of principal, how much as interest on deferred payments. But such figuring has no significance for the realities of the case. It may serve to allay hostility or criticism and make a good 'talking point' before Congressional committees and chambers of commerce. But it is hardly more than a pretty mathematical game — attractive to the mathematically-minded, impressive and puzzling to those not so minded. What is really to happen, what signifies for us and for the other peoples, is the series of annual payments.

What, now, about the amount of those annual payments and their importance to us?

Consider them in their proportion to other items, to other related things.

Two, three, four hundred millions make impressive sums. But what do they signify in comparison, for example, with the total income of the people of the United States? Our total national income for 1925 is supposed to amount to 90,000 millions. This is a stupendous sum. I will not vouch for its precise accuracy. The total of our income may be something more, something less. My statistical friends believe the figure to be within 10 per cent of the truth; and for the present purpose that degree of accuracy is all that is needed. Compare with this total the 200 millions odd which we are to receive from the Europeans in the next year or two. They come to about one quarter of one per cent of our national income. It is as if, having one hundred dollars to receive, we were to get twenty-five cents in addition — a negligible supplement. No doubt the payments are to increase, and in a few years will be doubled. But our national income will also increase; and, at anything like the rate of advance we have had in the last five years, that too will be doubled in ten years or so. As elements in our total annual resources, the payments will always be trivial. On the other hand, they will be no small items for the repaying countries, their national incomes being so much below ours in money values — only half as much per head for the more prosperous of them, hardly one quarter as much for the less prosperous. And this discrepancy will become greater as time goes on. The growing remittances will become more and more onerous for them, since their national incomes, even though they may not stand still, cannot grow at the phenomenal rate which is ours and seems likely to remain ours.

Look at it in another way. These sums will go into the Federal treasury, and will be entered in the Government's budget. They may be directed either to lowering taxes or to reducing

our national debt. The revenue of the Federal Government now amounts, in round numbers, to four billions a year. The debt receipt amounts for the present to 200 millions, more or less — say 5 per cent of the government revenue, possibly 6. It happens that for the last fiscal year the Government came out, quite unexpectedly, with a surplus substantially larger — some 300 millions; and we are at odds with each other about its disposition. Nor does it matter much what we do with it. As regards reduction of our national debt, we are repeating the course of events which followed the Civil War of 1861–65. Then, as now, we began to pay off a great debt with speed and with ease; and now, as then, we are in a fair way to get rid of it in a decade or two. This unexampled procedure — no other country has ever handled a public debt in this way — is due in but small degree, for either period, to surpassing financial leadership. It is the result of the growth of this industrial giant of ours; of an abounding and increasing prosperity, which gives us in many a way occasion to pause, to reflect, to consider what we shall do with our abundance of material things.

Consider, finally, what the repayments amount to in their possible effects on our foreign trade. What kind of effect they will have I shall presently indicate; here my question is, how great an effect? It happens that our imports — it is these which will be primarily affected — at present amount to about the same sum as our Federal revenue — roughly four billions a year. The debt repayments will again be 5 or 6 per cent of this sum total. Now the imports fluctuate from year to year by many hundreds of millions — by much more than 5 per cent a year. These fluctuations trouble us not at all. The business

world hardly knows that they take place, and the public at large knows not and cares not, nor has it any reason for knowing or caring.

To sum up, the impressiveness of the figures when stated in suppositious capital sums is misleading. What actually comes to us — namely, the annual payment — is little as compared with the national income, with the Federal Government revenue, with the country's foreign trade. If we get these receipts we shall not be made rich. If we do not get them we shall not be ruined.

II

So much as to the magnitude and proportions of the facts of the case. I turn now to their meaning for us. Two questions arise. So far as all this payment goes, be it great or small, is it to our advantage or is it not? The second question is different: not whether the payment is to our advantage, but whether it is right that we should receive it. There is an economic question, and behind that there is a question of justice. I say justice. Perhaps it would be better to say chivalry, or even long-run expediency — at all events something other than the bare matter of measurable gain or loss.

As regards the immediate economic aspects of the case, the underlying fact is that payment must come to us in goods. Of course the debt settlements are in terms of dollars, and we have to reckon in dollars. But it is the merest commonplace in economics that payment cannot come in cash, or that but the merest fraction can so come. If it did come to us in cash — that is, in gold — we should be embarrassed to know what to do with the money. Our Federal banking system already has more gold in its reserve than it knows how to use with advantage. But, to repeat, it is through goods, not

in money, that we must expect the remittances to be made. Our imports will become larger or will be made larger than they otherwise would have been. The increase will not be great relatively to the total volume of our foreign trade, as was just explained. But somewhat larger the imports will be. More goods will come in from abroad, and this is the way in which we shall really be paid.

No doubt the inflow of the additional imports of goods will be staved off for a time by loans, such as we have been making to foreigners in these post-war years. We used to be borrowers from Europe; now we are lenders to all the world. Like so many other things, our international credit position is being turned topsy-turvy. These lending operations of ours are not likely to cease, though they may not continue indefinitely at the pace of recent years. They bring possibilities of postponements of the rise in imports, of temporary overlappings and adjustments, by which our foreign trade for the next few years will be affected in ways not easy of prediction. These minutiae are interesting and sometimes perplexing to the economist and the financier, but do not affect the outstanding fact: it is in goods that we must take payment.

The goods, however, will not necessarily come in from the countries which have to make the payments. They will probably come by indirect ways from other countries. English people will not sell us many English goods direct. They will send their goods to other countries — the Orient, South America, Australia. We shall then buy goods in those countries, and shall be able to pay for their goods by utilizing the debt remittances to our Government. This sort of indirect trade is going on all the time. Our imports now consist chiefly of raw materials and tropical commodities, most of which come in

free of duty. It is imports of this very class that are likely to be swelled in consequence of the debt payments. We shall get more tea, coffee, raw silk, wool, jute, rubber, and the like.

No doubt the whole of the additional imports ascribable to the debt payments will not be accounted for in this way. Some share will come to us in the form of manufactured goods sent directly from England, France, Germany. Certain lines of American industry will experience additional competition from their European rivals. Consequences of this sort, even though less in quantitative importance than is commonly supposed, must be faced as a probable result of the debt payments. So far as this direct inflow of goods from Europe takes place, it raises the question whether added competition from abroad is on the whole a good thing for a country or a bad thing. The answer to that question depends upon one's entire attitude with regard to foreign trade and the maintenance of a system of very high protection — a much larger topic than I can go into on this occasion. I will merely remark that in my judgment the consequences do not all run one way. In the main they will not be harmful to us, in some part they will be. But in any event they will not be of great moment.

I may remark, in passing, that the free traders and tariff reformers are disposed to exaggerate the importance of this particular matter for the problems which interest them. They urge that, since payment must be made in goods, we must make it possible to receive the goods; whereas, by imposing tariff barriers, we make it impossible to receive them. A necessary corollary of the debt payments, in their view, is a lowering of our customs duties. Not quite so, for the reason just adduced. True, our high duties do make it somewhat harder to send in

the goods directly from the remitting countries, and in so far impede the process of payment. I am entirely in sympathy with the movement for cutting down our high protective duties; and am willing to admit, too, that there is an obvious and indeed amusing inconsistency in our policies. We cannot insist on the debt payments and at the same time keep out European manufacturers from our own markets and also boost our own exports of similar manufacturers to their outlying markets. But it is all a question of more or less, and rather less than more. Some special kinds of goods have always been coming in from European countries. Probably more of these quasi-specialties will be sent us. The main inflow will be of the so-called non-competitive articles — tropical products, raw materials, and the like. The staunch protectionists can hold to their policy, if they will, and yet not be seriously troubled by the consequences of the debt payments.

There is, however, another aspect of the process of payment in goods which must make us pause. We have to remember that from this point of view there is a contrast with the past — a resemblance in one way, but a disquieting contrast in another. When we made the loans to the Allies in 1917–19, we handed over to them not cash, but goods. This is the resemblance: our loans were made in goods, just as the repayments are to be made in goods. But now the contrast. We charged high prices for the goods that we sent out in 1917–19. ‘Charged’: this is a misleading term. No one deliberately charged high. But the plain fact is that the circumstances of those years were such that the goods which the Allies got from us — the only things they received — were debited to them at very high rates. While we put vast dollar funds at their disposal, they got

few goods per dollar. Now the price situation is quite otherwise; and it will be otherwise, so far as we can foresee, for many years to come. Prices have gone down to two-thirds of what they were when the loans were made. Our debtors, to make up the same dollar values, must send us 50 per cent more of goods than they received — one half as much again. We are profiting as a people by the revulsion in prices since the great upheaval; not deliberately or intentionally, but profiting we are.

III

So much about the bare economic aspects, on which I feel qualified to speak with some assurance. I turn now to the other aspect of the problem, on which my qualifications cannot be those of the specialist. What can be said of the equities of the case?

First note that we — that is, the constituted authorities — have modified our position within the last few years.

When Congress in 1922 passed the first act for regulating the debt payments, it was provided that the commission then established for arranging the settlements should accept nothing but payment in full. The principle on which Congress legislated was that a debt is a debt, and that a debt should be paid. The letter of the contract should prevail. And this principle was virtually followed in the settlement with Great Britain. Virtually; it was not followed without some slight qualification. The total payments made by Great Britain can be figured out to be something less than the face value of the debt owed to us by Great Britain. But the deficiency is slight. To all intents and purposes it may be said that Great Britain met us on our own ground. Since the United States took the view that this was a plain and simple debt, Great Britain, in a period of

acute depression in her industries, of painful recovery from enormous losses, of sad uncertainty about the future, conformed to the letter of the law as laid down by the United States. No complaint, no arguing; if you will have it so, let it be so.

When it comes to the other countries, however, our procedure has been different. With Belgium, Italy, France, not to mention the smaller countries, we have dealt in quite another spirit. With them we have regarded what is called their capacity to pay. Ordinarily, when one deals with a debtor and proceeds on the basis of the letter of the law, one does not regard his capacity to pay. Or it is regarded only if he is bankrupt and the creditor is in the position of simply taking what is left of his assets. We have not acted in this way with Belgium, Italy, France. We acceded to a compromise — even proposed it. With all these countries the compromise means, whatever be the actuarial method of computation, that we are accepting very much less than the amount of our loans. Congress has ratified the compromises (all except that with France, still to be ratified by France herself). Thereby it would seem that Congress has come to a state of mind not the same as that which prevailed when the original debt settlement act of 1922 was passed.

This acceptance of something other than the letter of the law would seem to carry with it an admission that, after all, the principles of settlement are not easy to define. Shall we treat these obligations as plain ordinary debts, to be collected in the same way and in the same spirit as debts between man and man, and have no regard for past community of spirit, for good relations in the future, for things other than the bare face of the contract? We are often told that it is healthy for people to pay their debts; nay, it is to their own

advantage, if they wish to keep their credit good and perhaps borrow again another time. So it is, no doubt, in the ordinary transactions of trade. It is so, too, as regards those international loans which are extended by individuals (banking houses and their customers) to foreign Governments. Otherwise the fountains of business credit would be dried up. But were our loans to the Allies of this character? Were we moved by any such considerations as apply to ordinary loans? And were the Allies, on their part? Let us not forget the past, the very recent past. Surely we made these loans not as investors, in the way of a bargaining contract, but as peoples to peoples for mutual aid. We thought it our duty, and our interest also, to stand with the Allies in the dreadful struggle. For the first year of our participation the only effective thing we could do was to put at their disposal our supplies of goods. The form of loan was chosen because it was the easiest and quickest way to get the thing done. Doubtless in the rush and pressure of the crisis no deliberate choice was made. It was all a matter of getting things done. And so it was with the Allies. Loans if you will; anything that brings instant help.

Consider the loans for a moment, as it has been urged they should be considered, from the point of view of the debtor's own ultimate interest. Let him repay for his own good, we are told; if he repays now he will be able to borrow another time. Quite true as regards ordinary business operations. But in the stress and ferment of war is any such reflection or reckoning ever made by either party? Does anyone suppose that, if another such conflict should come (God forbid!) and if we were again compelled to align ourselves, we should hesitate to do anything and everything that might help the cause we deemed right; that we should debate

whether to lend or not lend, to give or not give, to go ahead or to dicker, because once upon a time, in the forgotten past, another loan had been made, also in a great war, and had not been treated either by us or by our associates as a business contract? It is in no such spirit as this that individuals or peoples deal with each other when war comes on.

Reasoning and cold-blooded calculation, however, help little on the aspect of the case we are now considering — the equities. We get scant aid from any analysis of the bases of contractual obligations, from historical precedent, from economic lessons. The matter reaches into higher realms. However we deceive ourselves by focusing attention on the measurable gain or loss, whether for ourselves or for our allies, we cannot but be moved at bottom by conscience — by sentiment if you please. My own conscience is not easy. My sense of self-respect as an American is not happy. I find myself admiring the attitude of Great Britain and not entirely admiring our own attitude. For many, many dreadful months we were unable to aid our allies with anything except money and loans. We did this cheerfully. Surely we then had no thought of being engaged in purely commercial transactions. We gloried in being a rich and powerful country, and thereby in a position to aid our almost exhausted allies and friends. Has that spirit entirely disappeared?

Let it not be forgotten that Great Britain also made great loans to her allies — our allies; and that she is dealing with her debtors in quite a different way from ours. She lent almost identically as much to France as we did — something over three billions of dollars. She lent much more to Italy than we did: three billions, as against half as much by ourselves. She has come to settlements with them similar in plan

to ours (payments spread over a long series of years). But there is a marked difference in degree, and a difference even more marked in spirit. She too is willing to accept annual installments; but the sums are very much less than those we call for. They are not half so much from France, barely a quarter as much from Italy. And — what is more on my conscience — she agrees to reduce these payments exactly in the proportion in which her own payments to us may be reduced. If we cut down, she will also cut down to the same extent. Early in the post-war negotiations she announced that she would proceed on this basis; and thus she is still ready to proceed. •

One's attitude on the whole question is necessarily influenced by one's hopes or fears, confidence or despair, about the post-war situation. Did we really do well to enter on the war? Are we quite disillusioned about the consequences? Does the future still seem as dark and uncertain as it did three or four years ago? He who believes it was all in vain, that the world was bad and still is as bad as before, will acquiesce in turning our backs on the old allies. He will be disposed to deal with them at arm's length, collect what can be collected, disregard their plight, disregard, too, any feelings they may have about us. But he who believes that good is stirring, and that the world may be starting on better ways; that something is due from us to improve on the bad past — he will ask himself how this problem can be dealt with so as to promote the good that stirs and foster between nations a spirit of mutual help.

I have no proposal to submit. The time is not ripe for conferences, negotiations, revisions. We in the United States have not rid ourselves of the lamentable partisan divisions and entanglements which followed the war. At the present juncture, too, political

and economic conditions in the agricultural regions of the Mid-West are not conducive to a re-reckoning. Things will run their present course for a while, and the debt remittances will continue to come to us. None the less we may pause and reflect, give time for the internal dissensions of the moment to die out, bethink ourselves soberly what we may wish to do in the end.

Sooner or later we shall have occasion to reconsider. The time may come shortly. The factor in the case which is most likely to lead to reconsideration is the progress of the German reparations payments. These payments, under the Dawes Plan, are rapidly approaching their maximum. By 1929 they will reach the highest sum which Germany is called upon to produce — namely, the sum of 625 million dollars a year. Without entering into any detailed discussion of the reparations programme, or of the difficulties which it may encounter, we must face the possibility — nay, the probability — that when the German obligations thus reach a head, and when the actual transfer of the large sums to the Allies needs to be contrived year after year, a new stage will be entered on. A revision of the whole international situation will then be on the cards. Hazardous though it is to make prediction, I believe that before many years — perhaps within a few — some arrangement for a single great lump-sum payment by Germany will be brought forward. The whole of this series of long-drawn-out international remittances, stretching over half a century and more, between ourselves and the Allies, between the Allies, and between Germany and the Allies, will then present itself in a new light.

For our part, are we resolved to insist unrelentingly on what the settlements now prescribe for the long period of sixty-two years? The war soon will cease to mean anything for our daily doings. The material sacrifices to which it led have been almost forgotten; within a decade or so the last remembrance of them, in the way of taxes and budget burdens, will have disappeared. To the younger generation it is already a matter of the dim past.

Can we think it probable that these long-strung payments will continue to have any meaning to the peoples involved, other than that they are a burden to one side and a dubious benefit to the other? Later generations will regard the question of fitness and justice from their own point of view. Will our people then believe the debt payments to be just? We are rich, and we are rapidly getting richer. Prosperous beyond anything hitherto imagined in the history of mankind, we now are preparing to receive, through half a century and more, payments from peoples much less prosperous. These annual streams of goods, legacies of a great historic disaster, will then be related to no services of ours, to no discernible obligations of theirs. They may be reminders of a high past, but may also be evidence of an unworthy present.

If the rest of the world wishes to sweep away the wreckage of the past, clear the decks, and start fresh and unencumbered, shall we remain aloof? I can feel no elevation of spirit, no pride in the position we are now taking. When the day for a new alignment comes, how shall America take her stand?

THE CONTRIBUTORS' CLUB

ALL YOU NEED TO KNOW

MY hat was gone when I went back for it. 'I know,' I assured the waiter, 'you're "not responsible for hats, coats, or parcels left by patrons," but just between us — have you seen anything of a gray felt hat, with initials J. B. stamped in the band?'

I walked out before they might have a chance to arrest me, on charges of impersonating a man who'd lost his hat, when the waiter's lofty glance indicated that he strongly suspected I had never had one.

Well, the next thing was to get Doris's silk.

'Four yards,' she had said, eyeing me doubtfully. 'Like this. You show this piece to the saleslady, you see, and tell her you want more just like it.'

'Shall I —'

'That's all you need to know,' she interrupted. 'Any further directions would only confuse you.'

I smiled and thought that here at least was an easy one. All I need do is — I reached into my pocket. There were other pockets, into all of which I reached. I remembered that the restaurant's sign neglected to say the management would not be responsible for samples of silk goods left by the patrons. And yet — I had a record there, which might stand in my way.

'Let's see,' I mused. 'It was blue, with a little figure — a small flower, like. Or was it a house, with trees about? I'll try them both, anyhow.'

So, uncovered, and only vaguely acquainted with what I wanted to buy, I ventured into the great department store to which Doris had sent me.

If you want silk goods and you arrive in lingerie, the thing to do, of course, is to consult the floorwalker. Having been informed as to this trick once before, I complacently made my way toward the sleek fount of knowledge in the next aisle.

'Yes indeed, sir,' he was saying to a gentleman who evidently wanted baby carriages or tea wagons. 'We have the rubber-tired ones. On the fifth floor.' He smiled, bowed, and made a splendid gesture toward the elevator. A noble race of men, I thought, who were not accorded their just —

'Have you any silk goods with a flower, like, or a house on it?' I asked.

The expression of beatitude faded miraculously from his face.

'You'll have to learn these things faster,' he said. 'Did n't they tell you not to be in the way here? How long have you been with the company?'

I walked on, half hoping he would carry on his rebuke, whereupon I would call the manager and show my credentials — or my lack of credentials — to prove I was not with the company at all.

'Where is the ladies' hose, please?' demanded an aggressive, staccato voice over my shoulder. I was strongly tempted to ask, 'Which lady's?' Of course it is the first reaction one has to such a question. I turned around, however, and explained, a bit haughtily, that I was not with the company. I noticed distinctly a slight sneer, as though if I were not with the company it was my own inferiority that kept me from it.

I determined not to let them walk on me thereafter. The very next time —

The very next time came promptly, but it quite changed my mind.

'Could you direct me to the leather-goods counter, please?' A pretty, shy, blue-eyed little thing, with such a sweet voice! And to be buying leather goods. 'You, my dear, ought to be asking for the gossamer department, or the fairy-wings counter,' I wanted to say. But I looked for leather goods hastily. They were not in sight.

'Just what was it you — er —'

'A handbag,' she smiled; 'one with the fittings, you know.' A handbag. Ah, now I had got it! I could n't tell her — well, I simply must be with the company. A silence, as though I were trying to provide the best handbag and the finest fittings possible.

'We have some on the second floor,' I said, 'and, if I remember rightly, one or two on the third floor. However, the best ones possibly can be found on floor four. If I were you —' But she had noticed the newspaper in my pocket, and had retreated in terror.

I started to meander on, hoping I might run across the silks if I pretended I did n't care whether I found them or not. I passed books and I passed toilet articles very successfully, but just as I reached the hosiery I was accosted again.

'Miss McMaster has fainted, sir! She's back there! What shall we do?' Two little girls in black were tugging at my arms, wide-eyed.

'I'm sure I — you say she's fainted?' I thought of several things for Miss McMaster, including smelling salts and the fire department. But this was getting to be serious. 'Tell that gentleman over there,' I said, pointing to a floor-walker and leaving the scene hurriedly.

'Have you any blue with a flower on it?'

The elderly saleswoman smiled at me as though she had been waiting all day for someone to ask for just that.

'We have six or eight blue patterns with flowers,' she replied.

'Well, then, I don't want that. Have you any blue with a little house on it?'

This was another matter. 'I'll look,' she conceded. Perhaps after all — but there was n't any. I went over the scene with Doris again. I was sure I had the right store.

'Well,' I said as a last resort, 'do you remember selling any blue to a young lady a few days ago with a flower on — I mean on the blue? Sort of slender and pretty — I mean the lady?'

'Let me see. Did she want it for draperies?'

'Well, now, I really could n't say.' The good woman was getting unreasonable, I thought. I had already given her enough information.

'I do remember the material, I believe,' she said. 'Was it this?'

It did have a flower, although it seemed to me a little more of the hot-house variety than Doris's.

'I believe that's it,' I said. I wanted to get it over with. 'I'll take — let me see, did she want five or seven yards?' I looked at the saleslady again, as one old friend seeks the help of another. 'Well, I'll take six, anyhow.'

'Oh, I'm so sorry, dear,' Doris said, when I had got home. 'You'll have to go back. You see, I measured wrong, and I'm afraid six will be needed. I told you four, did n't I?'

'Yes,' I said, grasping my opportunity immediately, 'but I felt sure it would n't be enough, so I got six.' That was something, at least. She looked at me wonderingly.

'Now, is this right?' Trembling, I revealed my purchase.

'Yes, that's it,' she said. 'But look — there's your hat and the sample, on the hall table. How did you ever get it without the sample?'

'Oh, I remembered, after I had seen it,' I said, calmly.

A GRANDFATHER'S 'MOTHER GOOSE'

Now that the snow is upon us, and the long evenings, and there is the open fire before which I can sit and think, I try to catch my breath after an all-summer effort to catch up with my sons and my daughters, their wives and their husbands, their babies and their automobiles. How happy they are, and what gay, laughing babies they have; but how they bounce about, even when I hold them — the babies — on my knees.

'It's the motion of the motor car,' their grandmother had said one morning when Jack, my namesake, was particularly 'bouncy.' 'His parents have been dashing around in a car from the day they met until this moment, allowing only three weeks off when she had to keep still in the hospital to welcome the child.'

All the time my wife was speaking, the baby had been moving up and down as though he had folding legs, and I kept murmuring 'Hey! diddle, diddle, the cat and the fiddle,' as that was the only tune as lively as his movements. 'The cow jumped over the moon,' I continued. 'And the little dog laughed to see such sport —' The baby gurgled with glee. 'And the dish ran away with the spoon.'

I brought him down, with a determined desire to have him keep still for just one moment. But it was no use, and now I sit here evenings by the fire, revising the lines of the old lady who made them.

'Hey! divver, divver,' was my first attempt.

'That's a hideous and distorted word,' said my wife.

'Never mind,' said I, 'they live a hideous and distorted life, and anyway, even if they don't, it rhymes.' I calmly proceeded: —

'Hey! divver, divver, the child and the divver,
The car raced under the moon,
And the little lad laughed to feel such speed,
While Grandpa passed out in a swoon.'

'Go on,' said Jack's grandmother; then, 'No, you wait a minute, I have one,' and she recited: —

'There was a young woman who had a new car —

'That's the antithesis to the old woman who lived in a shoe,' she explained gratuitously, 'and is Marybelle.' Marybelle is our daughter.

'And also one infant, so they, with his Pa —'

'That's an ugly word,' I now interrupted, 'a hideous, distorted use of the good word "father," much worse than my "divver" for "diddle."' But my wife went right on: —

'There was a young woman who had a new car,
And also one infant, so they, with his Pa,
Took thermos and basket with butter and bread,
Locked up their home tightly, and outward they sped.'

'That's fair,' said I.

'Rock-a-bye, baby —'

'There are no more treetops for the babies,' I interrupted, 'unless the car lands in one.'

'That does n't matter in the least.' My wife tossed that thought away with utter contempt, because —

'Rock-a-bye, baby,
In a Ford car,
When the brakes jam,
The baby will jar.'

'Now you do one,' she ordered. 'It is n't fair for me to have the whole responsibility of modernizing *Mother Goose*. Try "Little Miss Muffet."'

After a while I produced this: —

'Little Miss Muffet sat on a tuffet,
Feeding her car the gas,
There came a rude copper,
And he tried to stop her —
His widow's now suing the lass.'

'That's rather bloodcurdling,' said Miss Muffet's grandmother. 'Now here's mine, about your favorite grandchild and namesake: —

'Little Jack Horner sat in a corner,
Watching the scenery fly.
He wiggled his thumb at the end of his nose
When a motor-cyc cop came by.'

'Well!' I cried heartily, 'I am rather proud of him for that. But not surprised. He comes of a long line of courageous ancestors — on both sides, my dear.' I arose, bowed, kissed her hand, and so to bed, mumbling something about 'Sing a song of cylinders, engine full of gas.'

WATCH YOUR STEP

MUCH has been written and more has been said about the duty and responsibility of the automobile driver, and no doubt there still exists urgent need for continuance of this propaganda for years to come. But into this concert of condemnation of drivers in general I should like to introduce a little roundelay, the theme of which is the duty and responsibility of the pedestrian! And I am certain that, given the note, every autoist will join me feelingly in the chorus.

I have driven a car for years cautiously and — I think I may say modestly — well; and in those years the number of people who have seemed determined to commit suicide beneath my wheels has increased alarmingly. Now I cannot say that I love my fellow man indiscriminately, but I whole-somely respect his right to life, limb, and pursuit of happiness. So I have resignedly dodged these would-be suicides with a glow of satisfaction at my dexterity and a sigh for their frustrated hopes.

However, with the speeding up through the years of the pace of traffic

and the increase of numbers of vehicles on the road, the time has arrived when the driver of a car can no longer be the genial guardian of the entire public; and, though he may earnestly desire to turn out for the careless pedestrian, city traffic has so arranged it that there is no direction in which he can turn save one from which the force of gravity restrains him. Nevertheless, the good citizen who sees a pedestrian in a place where he has no right to be or reason for being will always make the attempt to avoid him, even though he jeopardizes his own life and limb in so doing.

And here is the burden of my song. If the pedestrian sets no value on his own life, it is nevertheless his duty and responsibility to allow the man behind the wheel to get home safely.

The woman with the baby carriage who seems to think she has exclusive first rights on all city streets; the saucy flapper who saunters out on a crossing just as a super-snappy traffic officer has told the motorist to 'Go ahead and STEP ON IT'; the youth who leaps across a street between blocks; the nervous lady that flutters out from nowhere to catch a trolley or bus that has just started; the demented scores of people who run around trolley cars during late afternoon rush hours — all of these owe their lives to the forbearance and alertness of the motorist who daily risks his life and bank account to save them.

The sidewalk belongs exclusively to the pedestrian, and is it too much to ask that, before he launches himself from his exclusive domain into the territory which he knows he must share with the automobile, he take one little look before he leaps? Countless lives and innumerable dollars would thus be saved and the sanity of many drivers be spared.

I SWEAR

THE scene is the naturalization court. I stand in the doorway amid a motley crowd, and my heart beats high with expectancy. This is the day for which I have waited so long. At last I am to take my part in the duties and privileges of American citizenship. My mind is stirred by a vision of that day of travail one hundred and fifty years ago, when the voice was raised of a newborn child among the nations. I see the long procession of those that have held high the torch, of those for whom 'Rather death than false of faith' has been a natural instinct rather than an act of heroism. Solemnly in the procession moves the noble figure of Lincoln, brooding over the wayward children he must guide. How can I hope to be worthy of following these pioneers?

My dream is shattered by a voice — a crude and grating voice which invites me to 'make up your mind and come in or get out.' I come in, holding in my hand a slip of paper with a number on it. Each time a clerk drones out a number, a man pushes forward and stands before the judge. My eyes are riveted on a picture at his back — it is Justice, holding the scales. Gradually I move closer to the judge. The solemn moment is approaching when I shall be weighed in those pitiless scales outlined behind his shoulder. Now I am within earshot as another number is called. A man shuffles to the front, and the examiner, looking absent-mindedly at a pigeon perched on the coping outside, says, 'Who was the first president of the United States?' The man looks bewildered and fingers the brim of his hat. In a voice betraying boredom and irritation, the examiner is forced to

answer the question himself, and then asks, 'Who made him president?' The man is afraid to leave the second question unanswered and replies desperately, 'Columbus.' Before I have recovered from my dazed astonishment another number is called, and the applicant is asked, 'Who is Mr. Dawes?' He does not know, and admits it in accents which are positive, though broken. The examiner seems willing to give each candidate as much assistance as possible. 'Well, who comes next after the first man of the land?' The applicant smiles confidently and answers without hesitation, 'The *second* man of the land.'

I begin to think there must be a mistake somewhere, when I hear a number which my subconscious mind tells me is the number on the paper which trembles in my hand. I move to the front of the tribunal. The examiner is about to formulate some question mechanically, then raises his eyes to look at me and says, 'You may pass on.'

More numbers, more questions, more mumbling and halting replies. O Lincoln! Was it for this you suffered?

At last it is finished. The applicants are herded together in the same casual spirit which has marked the whole ceremony. By countries they are called upon to stand up and renounce allegiance to all foreign potentates and sovereigns, and to swear to uphold the Constitution and laws of the United States.

The court adjourns, and out in the corridor there is a confused jostling of new citizens with their American witnesses.

'Come on, Tony,' says a florid man, chewing the stub of a cigar, 'let's go and celebrate. I know where you can get some good liquor — the real stuff!'

THE CONTRIBUTORS' COLUMN

SINCE the days of Columbus the young men of Europe have been going West to discover, if possible, the American secret. According to **Thomas T. Read**, a supervising mining engineer, the secret of our success is the large number of 'invisible slaves' which each United States citizen commands. From 1919 to 1923 Mr. Read was Chief of Information Service, United States Bureau of Mines. ¶A cleric who writes and preaches with keen judgment and prophetic insight, the **Reverend Herbert Parrish** is rector of an historic New Jersey church. ¶As the senior partner of a prominent advertising concern it is the duty of **Earnest Elmo Calkins** to be on the outlook for every change in fashion or invention. **Captain Thierry Mallet**, a French veteran, now president of Revillon Frères, spends four months each year inspecting the fur-trading stations in the north countree. ¶Apart from her short-story writing, **Georgiana Pentlarge** has lately divided her interest between painting and what she calls 'stage journalism.' **Theodore Morrison** finds time from his editorial duties for occasional essays and verse. ¶The letters of **Hilda Rose**, the first installment of which we printed in the February *Atlantic*, came to us through the friendly agency of Mrs. Clarence G. White, of California, a correspondent with the little pioneer. Mrs. White sends us the following description of her meeting with Mrs. Rose:—

This summer I made occasion when returning from Yellowstone and Glacier parks to meet Hilda Rose.

She and 'Daddy' and the Boy had given up the struggle on the 'stump ranch,' had sold all they could, paid all debts, and were headed for Canada—for the Peace River country, to take up a homestead. Taking Daddy back to die on Canadian soil. Daddy had gone ahead, traveling in the box car with the horses and wagon and household furniture. Mrs. Rose and Boy met me and we had forty minutes in the station at Spokane.

She is all and more than the letters indicate.

Five feet tall (or short), slight; all muscle and no spare flesh; and with a light in her blue eyes and an indomitable will in her square little chin. Every line of her face was kindly and hopeful, with a will to be gay.

* * *

Claud Mullins is a prominent barrister of London. **Margaret McIntosh Linton**, who is accompanying her husband, **Ralph Linton**, on the Marshall Field Expedition to Madagascar, writes us from Majunga as follows:—

Here there is no fever, at this season, but we are in the midst of a bad plague epidemic. We took reports of bubonic plague very calmly at first, having been surrounded by twenty-five cases of pneumonic last winter in the capital. Bubonic is only 90 per cent fatal. Two weeks ago we began to be really frightened, a sensation I had come a long way to meet, and did not enjoy when I met it. We got inoculated, though that has its dangers, too, when the doctors are rushed and careless. We are presumably safe by now, though two inoculated people have died. We are continually exposed because we are doing collecting in the heart of the most congested districts. The natives, being in unusual need, are willing to sell fine old jewelry and ceremonial mats which they would not ordinarily part with. Ralph feels he must get all the jewelry he can, for if it is sold to the Hindu traders it will be melted down as just so much old gold or silver, and the best examples of Arab-Malagasy craft will be lost for all time.

Writer at large, **Harvey Wickham** has moved his headquarters from Paris to Rome. ¶It was last summer that **Ethel Wallace Hawkins** made her literary pilgrimage to Shropshire. **Alice Brown** is one of our most distinguished New England poets. **Oswald Couldrey** is an English writer and artist, now comfortably at home after a distinguished career in the Indian Civil Service. ¶That men are really less selfless than women is (so thinks a man) a perilous generalization, but in making it **N. B. Blankenship** (of the other gender) has

the courage of conviction. ¶An American, **Wallace Thompson** has studied Mexico for twenty years as news correspondent, editor, investigator, and vice consul in Mexico, and as author of several books. **F. W. Taussig** is professor of economics at Harvard University.

* * *

During the six years the Sacco-Vanzetti case has been before the courts of Massachusetts it has become one of the most celebrated cases in the history of criminal procedure in the United States. Not only in this country, but in half a dozen countries abroad, it has aroused wide interest and deep differences of opinion.

Few people, however, know anything about the case beyond its merest outline. They know that Sacco and Vanzetti are Italians, that they are radicals, and that the crime for which they were convicted in 1921 was a typical pay-roll holdup in which the paymaster and his guard were killed. They know the courts have been considering the case for years and they wonder vaguely why the men have not been executed long since.

This paper by **Felix Frankfurter** is the first effort to give the public a complete and accurate résumé of the facts of the case. The account is based on the record of the successive court proceedings through which the case has gone, with such references to extrinsic facts as are necessary to understand what took place in court. The record itself covers thousands of pages of printed matter, accessible to anyone who wants to take the trouble to read it. The paper represents a necessary abridgment, compressed to make printing possible, but compressed accurately and fairly by a trained and responsible lawyer. Mr. Frankfurter was for four years Assistant United States Attorney, Southern District of New York; he is now professor of administrative law at the Harvard Law School.

It should be added that a more detailed account, with all necessary references, has been arranged by Mr. Frankfurter, in a small volume which will be published on the first of March as an *Atlantic Monthly* Press publication.

Reader, if you want the whole truth, that article by a Progressive Militarist in the January *Atlantic* was irony — unadulterated, sulphuric irony. Innocently enough we had supposed that the suggestion of disemboweling elderly gentlemen in public in order to harden the 'civil population' would be taken, not literally, but as satire on the militaristic attitude. We were quite wrong. At least forty letters have assured us that a public shambles is as contrary to the Gospel as it is opposed to ordinary politeness. Dr. Holmes used to talk about the dangers of being as funny as one can. Irony is a lot worse. It is harmless for children, as Swift proved, but for grown-ups — never.

As evidence of the mixed emotions with which the paper was read we quote portions of three letters, the first from a clergyman: —

I am sending his 'modest proposal' to the proper bureau in the War Department in Washington, with a request for their immediate attention and action. It is my own and I shall do what I can to make it their opinion that the sooner this young philosopher and all others of his intellectual ilk are either incarcerated or else permanently removed from this country, the better for its welfare. . . .

The second from a doctor: —

There is hope for a nation that can produce a worthy successor to the Dean of St. Patrick's.

It is encouraging to find a magazine strong enough to publish 'A Modest Proposal.'

The third from a militarist: —

Even a magazine of such widely recognized excellence as the *Atlantic Monthly* is to be congratulated upon the brilliant contribution in the January number, entitled, 'A Modest Proposal.' The author shows remarkable ingenuity in solving an important national problem as well as an admirable modesty in refusing to have his name associated with the plan. While his general plan cannot but make a strong appeal to intelligent Americans, there are one or two points of detail which, it seems to me, could be improved.

It will, doubtless, be conceded by the author that the results which he desires could be more satisfactorily attained by a greater appeal to the sense of hearing instead of depending almost entirely upon the sight. It is therefore desirable that cries of distress and terror be produced in as

great volume as possible during the exercises which he proposes.

As is characteristic of noble animals, the horse suffers in more or less silence. It is evident that for this part of the plan a lower order of animal should be chosen.

The selection of retired army officers for the second phase is favored by their well-known willingness to sacrifice themselves for their country, but there appears the same objection as above. As men of courage they suffer in silence and would, therefore, not be suitable for this purpose.

It appears logical to me that the choice for the leading rôle in both parts of this plan should fall upon one of the lower order of animals whose lack of courage would cause them to make a great outcry and whose extirpation would be a benefit to the country. There is one class whose characteristics fit them perfectly for this part — the professional pacifists.

* * *

The conflict between good salesmanship and good publicity is ably suggested in this letter to Mr. Calkins.

NEW YORK CITY

DEAR MR. CALKINS:—

Your article in the January *Atlantic Monthly* prompts me to write you, not only because I strongly agree with the arguments advanced, but because it deals with a question that has become extremely important for anyone engaged in advertising or selling work.

As far as I am personally concerned, your article is timely. We are just now considering the cancellation of a part of our regular advertising appropriation, in order to use that money as a retainer fee for a professional publicity man, who could undoubtedly give us a great deal more space, and, from certain standpoints, *more effective* space, than could be secured for the same amount in actual advertisements. I don't believe that ours is an isolated case. At any rate it indicates that the magazines and newspapers stand to lose money through the activities of 'public relations' experts and the willingness of newspapers to carry their 'releases.'

As you say, it is hard to understand why the business policy of newspapers in deleting advertising from news stories is so inconsistent with their editorial policy of admitting publicity that is simply advertising very poorly disguised. The question the advertiser must face, however, is how to get the greatest value from every dollar spent. If an altruistic editorial policy plays into his hands, so much the better. I have no doubt that many other advertisers are in the same

position as ourselves in weighing the relative benefits we might receive from spending, say, \$500 a month as a retainer fee for a capable publicity man, against \$500 a month for newspaper space that ranges as high in cost as \$14 a column inch.

Unless there is a decided reversal of policy on the part of the newspapers in the way of more rigid exclusion of free space, I think it quite likely that the choice of many advertisers will be in favor of the publicity man, in which event not only newspapers, but likewise advertising agencies and even the general public, are likely to be the losers. It is unfortunately true that a stick of free publicity is often worth more than a quarter page of paid advertising, if only for psychological reasons.

The only reason why I personally am opposed to publicity as against advertising expenditure is that the features of a company or product that are 'good publicity' are not necessarily good salesmanship, and cannot be depended on to present a permanent, consistent, and complete picture to the public. There are many people who would disagree with me in this respect, and such individuals would not hesitate in spending money for publicity rather than for paid space. Those who can well afford to do both would certainly be foolish to spend their money entirely for advertising and fail to take advantage of the present opportunity for publicity.

Very truly yours,
G. D.

* * *

From the larger laboratory.

DEAR EDITOR, —

Reading 'Invisible Presences' in the January *Atlantic* brings me to the point of writing what I have long had in mind to record — an experience of my own. We lost our oldest son, a high-minded, talented, unselfish young man of great promise, and already much accomplishment.

The third day after he became invisible his father heard his voice saying, 'I have not gone away, Father.' But I heard nothing for more than a year. Then a younger brother, to whom he was in life devoted, was taken very ill. It was summer time, and we were at our country place, several miles from the city. Our physician was off on vacation and we must get another. Who should it be?

As day dawned I went to the kitchen and made coffee. After drinking a cup I sat down on a porch looking into the woods. My mind was entirely on the questions of what physician and what nurse. Then I heard our beloved, departed son, his voice natural as in life, say, 'Let me have him, Mother.' I replied instantly, 'Oh, no! Don't ask me that!'

feeling that I could not bear it to lose both.

That was all that happened. The voice came from an exact spot at the edge of the woods, not just out of the air — about thirty-six feet from me, and as if he were standing above the ground, about two feet perhaps, so that I thought at once, 'Spiritual bodies are not affected by gravitation.'

Since then I do not say I believe, because I *know*. I know that what we call death is only transition to a better life. It must be better or he would not have wanted his brother to share it. And it is a great comfort to be assured that the departed know of our affairs, keep their interest in us, and help us as far as they are able.

Do you not think that if all persons (not 'Spiritualists') who have any sort of communication from the other world would report it to the *Atlantic*, exactly as it occurred, it would be of value?

L. W. M.

* * *

In the November *Atlantic* Agnes Repplier dedicated her article to the 'Thieves of Time.' One of the gang forthwith held her up with this ironical letter and questionnaire.

To Miss Agnes Repplier, Authoress

DEAR MADAM: —

I am engaged in compiling a little book of personalia which, I flatter myself, — and not, I am confident, without reason, — will be of extraordinary value to posterity. From such a book the absence of information regarding the personal habits, tastes, and predilections of Agnes Repplier . . . would proclaim it a predestined failure.

May I ask for an hour or two of your time — always, I am sure, at the command of the Earnest Seeker?

Will you be good enough to fill out the accompanying questionnaire and let me have it at your earliest convenience? . . .

What seem to you to be the salient points of Homer's *Odyssey* as contrasted with the verse of the late Amy Lowell?

If Shelley had been familiar with the American bobolink, would he not, in your opinion, have apostrophized that bird rather than the skylark?

Would it have been possible for Walt Whitman to have written *Evangeline* or for Longfellow *Leaves of Grass*? If not, where lie the inhibitions?

I have learned that you reside on Clinton Street. Do you think the names of city streets should perpetuate those of distinguished men of history or of literature? Would it not be better to call them after the police?

You are fond of cats. Do you think that properly applied science of eugenics would result in developing a tail in a Manx cat?

Of what limitations are you yourself conscious? Do you suffer fools gladly or the reverse?

You have stated that you are of the Roman Catholic persuasion. In your opinion should *Gentlemen Prefer Blondes* be placed upon the Index?

JANE RIDGELEY DUNBAR, *Investigator*

* * *

Everybody asks about Miss Boylston. As a vicarious excuse for her nonperformance, we quote from her recent letter from Somewhere in Albania.

DEAR ATLANTIC, —

Please don't look at me like that. I don't deserve it. Truly I don't. I ask you as man to man what you would do in my place. Since November we have had

1 revolution
1 international crisis
3 balls
37 earthquakes

A great deal of my time has been spent in running out of the house and then running in again.

The Italian consul has just been here and he says I am all wrong in my earthquake count, because he himself counted sixty shocks before he lost track of them. Have you ever heard of a serial earthquake?

HELEN DORE BOYLSTON

* * *

The *Atlantic* is read —

You often tell us *where* and *when*,
By *whom* — but up to now
I have never seen a statement
Of just exactly *how*.
So let me give my method
(Which I highly recommend) —
Begin at the beginning
And read straight to the end!

THE CASE OF SACCO AND VANZETTI

BY FELIX FRANKFURTER

For more than six years the Sacco-Vanzetti case has been before the courts of Massachusetts. In a state where ordinary murder trials are promptly dispatched such extraordinary delay in itself challenges attention. The fact is that a long succession of disclosures has aroused interest far beyond the boundaries of Massachusetts and even of the United States, until the case has become one of those rare *causes célèbres* which are of international concern. The aim of this paper is to give in the briefest compass an accurate résumé of the facts of the case from its earliest stages to its present posture.

I

At about three o'clock in the afternoon of April 15, 1920, Parmenter, a paymaster, and Berardelli, his guard, were fired upon and killed by two men armed with pistols, as they were carrying two boxes containing the pay roll of the shoe factory of Slater and Morrill, amounting to \$15,776.51, from the company's office building to the factory through the main street of South Braintree, Massachusetts. As the murder was being committed, a car containing several other men drew up to the spot. The murderers threw the two boxes into the car, jumped in themselves, and were driven away at high speed across some near-by railroad tracks. Two days later this car was found abandoned in woods at a distance from the scene of the crime.

At the time of the Braintree holdup the police were investigating a similar crime in the neighboring town of Bridgewater. In both cases a gang was involved. In both they made off in a car. In both eyewitnesses believed the criminals to be Italians. In the Bridgewater holdup the car had left the scene in the direction of

Cochesett. Chief Stewart of Bridgewater was therefore, at the time of the Braintree murder, on the trail of an Italian owning or driving a car in Cochesett. He found his man in one Boda, whose car was in a garage awaiting repairs. Stewart instructed the garage proprietor to telephone to the police when anyone came to fetch it. Pursuing his theory, Stewart found that Boda had been living in Cochesett with a radical named Coacci. Now on April 16, 1920, which was the day after the Braintree murders, Stewart, at the instance of the Department of Justice, then engaged in the wholesale rounding up of Reds, had been to the house of Coacci to see why he had failed to appear at a hearing regarding his deportation. He found Coacci packing a trunk and apparently very anxious to leave. At the time, Coacci's trunk and his haste to depart for Italy were not connected in Chief Stewart's mind with the Braintree affair. But when, subsequently, the tracks of a smaller car were found near the murder car, he surmised that this car was Boda's; and in the light of his later discoveries he jumped to the conclusion that Coacci, Boda's pal, had 'skipped with the swag.' As a matter of fact, the contents of the trunk were found eventually to be wholly innocent. In the meantime, however, Chief Stewart continued to work on his theory that whosoever called for Boda's car at Johnson's garage would be suspect of the Braintree crime. On the night of May 5, Boda and three other Italians did in fact call. To explain how they came to do so we must go back a few days.

During the proceedings for the wholesale deportation of Reds under Attorney-General Palmer in the spring of 1920, one Salsedo was held incommunicado in a room in the New York offices of the

Department of Justice, on the fourteenth floor of a Park Row building. This Salsedo was a radical friend of Boda and his companions. On May 4 these friends learned that Salsedo had been found dead on the sidewalk outside the Park Row building. Already frightened by the Red raids, they bestirred themselves to 'hide the literature and notify the friends against the federal police.' For this purpose an automobile was needed, and they turned to Boda.

Such were the circumstances under which the four Italians appeared on the evening of May 5 at the Johnson garage. Two of them were Sacco and Vanzetti. The car was not available and the Italians left, but the police were notified. Sacco and Vanzetti were arrested on a street car, Boda escaped, and the fourth, Orciani, was arrested the next day.

Chief Stewart at once sought to apply his theory of the commission of the two 'jobs' by one gang. The theory, however, broke down. Orciani had been at work on the days of both crimes, so he was let go. Sacco, a shoe operative, in steady employment at a shoe factory in Stoughton, had taken a day off, and this was April 15. Hence, while he could not be charged with the Bridgewater crime, he was charged with the Braintree murder. Vanzetti, as a fish peddler at Plymouth and his own employer, could not give the same kind of alibi for either day and so he was held for both crimes. Stewart's theory that the crime was committed by these Italian radicals was not shared by the head of the state police, who always maintained that it was the work of professionals.¹

Charged with the crime of murder on May 5, Sacco and Vanzetti were indicted on September 14, 1920, and put on trial May 21, 1921, at Dedham, Norfolk County. The setting of the trial, in the courthouse opposite the old home of Fisher Ames, furnished a striking contrast to the background and antecedents of the prisoners. Dedham is a quiet residential suburb, inhabited by well-

to-do Bostonians, with a surviving element of New England small farmers. Part of the jury was specially selected by the sheriff's deputies from Masonic gatherings and from persons whom the deputies deemed 'representative citizens,' 'substantial' and 'intelligent.' The presiding judge was Webster Thayer of Worcester. The chief counsel for these Italians was a Westerner, a radical and a professional defender of radicals. In opinion, as well as in fact, he was an outsider. Unfamiliar with the traditions of the Massachusetts bench, not even a member of the Massachusetts bar, the characteristics of Judge Thayer unknown to him, Fred H. Moore found neither professional nor personal sympathies between himself and the Judge. So far as the relations between court and counsel seriously, even if unconsciously, affect the current of a trial, Moore was a factor of irritation. Sacco and Vanzetti spoke very broken English and their testimony shows how often they misunderstood the questions put to them. In fact, an interpreter had to be used, whose conduct raised such doubts that the defendants brought their own interpreter to check his questions and answers. The trial lasted nearly seven weeks, and on July 14, 1921, Sacco and Vanzetti were found guilty of murder in the first degree.

II

So far as the crime is concerned, we are dealing with a conventional case of pay-roll robbery. At the trial the killing of Parmenter and Berardelli was undisputed. The only issue was the identity of the murderers. Were Sacco and Vanzetti two of the assailants of Parmenter and Berardelli, or were they not?

On this issue there was at the trial a mass of conflicting evidence. Fifty-nine witnesses testified for the Commonwealth and ninety-nine for the defendants. The evidence offered by the Commonwealth was not the same against both defendants. The theory of the prosecution was that Sacco did the actual shooting while Vanzetti sat in the car as one of the collaborators in a conspiracy to murder. Witnesses testified to having seen both defendants in South Braintree on the morning of April 15; they

¹ In this account of the joint trial of Sacco and Vanzetti the details of Vanzetti's separate trial cannot find a place. But Vanzetti's prosecution for the Bridgewater job was merely a phase of the South Braintree affair.

claimed to recognize Sacco as the man who shot the guard Berardelli and to have seen him subsequently escape in the car. Expert testimony (the character of which, in the light of subsequent events, constitutes one of the most important features of the case and will be dealt with later) was offered seeking to connect one of four bullets removed from Berardelli's body with the Colt pistol found on Sacco at the time of his arrest. As to Vanzetti, the Commonwealth adduced evidence placing him in the murder car. Moreover, the Commonwealth introduced the conduct of the defendants, as evinced by pistols found on their persons and lies admittedly told by them when arrested, as further proof of identification, in that such conduct revealed 'consciousness of guilt.'

The defense met the Commonwealth's eyewitnesses by other eyewitnesses, slightly more numerous and at least as well circumstanced to observe the assailants, who testified that the defendants were not the men they saw. Their testimony was confirmed by witnesses who proved the presence of Sacco and Vanzetti elsewhere at the time of the murder. Other witnesses supported Sacco's testimony that on April 15 — the day that he was away from work — he was in Boston seeing about a passport to Italy, whither he was planning shortly to return to visit his recently bereaved father. The truth of that statement was supported by an official of the Italian consulate in Boston who deposed that Sacco visited his consulate at an hour that made it impossible for him to have been one of the Braintree murder gang. The claim of Vanzetti that on April 15 he was pursuing his customary trade as fish peddler was sustained by a number of witnesses who had been his customers that day.

From this summary it must be evident that the trustworthiness of the testimony which placed Sacco and Vanzetti in South Braintree on April 15 is the foundation of the case.

I. As to Sacco: —

The character of the testimony of the five witnesses who definitely identified Sacco as in the car or on the spot at the time of the murders demands critical attention. These witnesses were Mary Splaine, Frances

Devlin, Lola Andrews, Louis Pelzer, Carlos E. Goodridge.

1. Splaine and Devlin were working together on the second floor of the Slater and Morrill factory with windows giving on the railroad crossing about sixty feet away. Both heard the shot, ran to the window, and saw an automobile crossing the tracks. Splaine's identification of Sacco as one of the occupants of this escaping car was one of the chief reliances of the prosecution. Viewing the scene from a distance of from sixty to eighty feet, she saw a man previously unknown to her in a car traveling at the rate of from fifteen to eighteen miles per hour, and she saw him only for a distance of about thirty feet — that is to say, for from one and a half to three seconds. Yet after more than a year she testified: —

The man that appeared between the back of the front seat and the back seat was a man slightly taller than the witness. He weighed possibly from 140 to 145 pounds. He was muscular, an active-looking man. His left hand was a good-sized hand, a hand that denoted strength.

Q. So that the hand you said you saw where?

A. The left hand, that was placed on the back of the front seat. He had a gray, what I thought was a shirt — had a grayish, like navy color, and the face was what we would call clear-cut, clean-cut face. Through here [indicating] was a little narrow, just a little narrow. The forehead was high. The hair was brushed back and it was between, I should think, two inches and two and one-half inches in length and had dark eyebrows, but the complexion was a white, peculiar white that looked greenish.

Q. Is that the same man you saw at Brockton?

A. It is.

Q. Are you sure? A. Positive.

The startling acuity of Splaine's vision was, as a matter of fact, the product of a year's reflection. Immediately after Sacco's arrest the police, in violation of approved police methods for the identification of suspects, brought Sacco alone into Splaine's presence. Then followed in about three weeks the preliminary hearing at which Sacco and Vanzetti were bound over for the grand jury. At this hearing — only forty days after the crime — Splaine was unable to identify Sacco.

Q. You don't feel certain enough in your position to say he is the man? A. I don't think

my opportunity afforded me the right to say he is the man.

When confronted with this contradiction between her uncertainty a month after her observation and her certainty more than a year after her observation, she first took refuge in a claim of inaccuracy in the transcript of the stenographer's minutes. This charge she later withdrew and finally maintained: —

From the observation I had of him in the Quincy court and the comparison of the man I saw in the machine, on reflection I was sure he was the same man.

Then followed this cross-examination: —

Q. Your answer in the lower court was you did n't have opportunity to observe him. What did you mean when you said you did n't have opportunity sufficient, kindly tell us, you did n't have sufficient opportunity to observe him? A. Well, he was passing on the street.

Q. He was passing on the street and you did n't have sufficient opportunity to observe him to enable you to identify him? A. That is what I meant.

Q. That is the only opportunity you had? A. Yes, sir.

Q. You have had no other opportunity but that one fleeting glance? A. The remembrance of that.

Let Dr. Morton Prince, professor of dynamic psychology at Harvard University, comment on this testimony: —

I do not hesitate to say that the star witness for the government testified, honestly enough, no doubt, to what was psychologically impossible. Miss Splaine testified, though she had only seen Sacco at the time of the shooting from a distance of about sixty feet for from one and one-half to three seconds in a motor car going at an increasing rate of speed at about fifteen to eighteen miles an hour; that she saw and at the end of a year she remembered and described sixteen different details of his person, even to the size of his hand, the length of his hair as being between two and two and one-half inches long, and the shade of his eyebrows! Such perception and memory under such conditions can be easily proved to be psychologically impossible. Every psychologist knows that — so does Houdini. And what shall we think of the animus and honesty of the state that introduces such testimony to convict, knowing that the jury is too ignorant to disbelieve?

2. Devlin, at Quincy a month after the murder, merely said, 'He [Sacco] looks very much like the man that stood up in the back seat shooting.'

Q. Do you say positively he is the man? A. I don't say positively.

At the trial, over a year later, she had no doubt and when asked, 'Have you at any time had any doubt of your identification of this man?' replied, 'No.' The obvious discrepancy of an identification reaching certainty by lapse of time, without any additional opportunity for verification, she explained thus: 'At the time there I had in my own mind that he was the man, but on account of the immensity of the crime and everything, I hated to say right out and out.'

The inherent improbability of making any such accurate identification on the basis of a fleeting glimpse of an unknown man in the confusion of a sudden alarm is affirmed by the testimony of two other eyewitnesses. Ferguson and Pierce, from a window above Splaine and Devlin, on the next floor of the factory, had substantially the same view. They found it impossible to make any identification.

3. Pelzer, a young shoe-cutter, swore that when he heard the shooting he pulled up his window, took a glance at the scene, and saw the man who murdered Berardelli.

Q. How long did you stay in the window? A. Oh, about — I would say about a minute. . . .

Q. Then what did you do? A. I seen everything happen about that time, about in a minute.

This was the foundation for the following identification: —

Q. Do you see in the courtroom the man you saw shooting Berardelli that day? A. Well, I would n't say it was him, but he is a dead image of him.

Witness points out Mr. Sacco.

Q. Have you seen him since that time until you saw him in the courtroom? A. No, sir.

Witness was shown picture of him by Mr. Williams to-day.

Q. You say you would n't say it is him, but he is the dead image of him? What do you mean by that? A. Well, he has got the same appearance.

On cross-examination Pelzer admitted that immediately after Sacco's arrest, on May 6 or 7, he was unable to make any identification. His inability in May 1920 to make the identification which he made in June 1921 was confirmed by three fellow workmen. Two of them testified that instead of pulling up the window he took shelter under a bench, and the third in addition said: 'I heard him say that he did not see anybody.'

Pelzer's tergiversations and falsifications extracted from the District Attorney, Mr. Katzmann, the following eulogy:—

He was frank enough here, gentlemen, to own that he had twice falsified before to both sides, treating them equally and alike, and he gave you his reason. I think he added that he had never been in court before. If not, somebody has and I confused him. It is of little consequence. He is big enough and manly enough now to tell you of his prior falsehoods and his reasons for them. If you accept them, gentlemen, give such weight to his testimony as you say should be given.

4. Lola Andrews, a woman of doubtful reputation, testified that at about 11 A.M. on the day of the murders, while in company with a Mrs. Campbell, she saw an automobile standing outside the Slater and Morrill factory. She saw a 'very light' man inside the car (concededly neither Sacco nor Vanzetti) and another man 'bending over the hood of the car,' whom she characterized as a 'dark-complexioned man.' She went into the factory in search of a job and at the time 'had no talk with either of the men.' When she came out 'fifteen minutes later' the dark man 'was down under the car like he was fixing something' and she asked him the way to another factory. He told her. That was the whole conversation between them. After Sacco's arrest she was taken to the Dedham jail and identified Sacco as the dark-complexioned man. She again identified him at the trial.

How came she to connect the dark man under the car with the murders which took place four hours later?

Q. Would you say that the man had a fuller or more slender face [than the man in a photograph shown to the witness]? A. I don't know. He had a funny face. . . .

Q. Meaning by that a face that was not a kindly face, a kind of brutal face? A. He did not have a real good looking face.

Q. (by the District Attorney) What came to your mind, if anything, when you learned of the shooting? . . . A. Why, the only way I can answer that is this: When I heard of the shooting I somehow associated the man I saw at the car.

Four reputable witnesses completely discredited the Andrews testimony. The following sample must suffice. It is the testimony of a Quincy shopkeeper.

I said to her, 'Hello, Lola,' and she stopped and she answered me. While she answered me I said, 'You look kind of tired.' She says, 'Yes.' She says, 'They are bothering the life out of me.' I says, 'What?' She says, 'I just come from jail.' I says, 'What have you done in jail?' She says, 'The Government took me down and want me to recognize those men,' she says, 'and I don't know a thing about them. I have never seen them and I can't recognize them.' She says, 'Unfortunately I have been down there to get a job and I have seen many men that I don't know and I have never paid any attention to anyone.'

Yet the District Attorney not only offered the Andrews testimony for the consideration of the jury, but gave it the weightiest possible personal sponsorship:—

And then there is Lola Andrews. I have been in this office, gentlemen, for now more than eleven years. I cannot recall in that too long service for the Commonwealth that ever before I have laid eye or given ear to so convincing a witness as Lola Andrews.

5. Carlos E. Goodridge (who after the trial was discovered to be a fugitive from justice in another state and to have given evidence under a false name) swore that at the time of the shooting he was in a pool-room in South Braintree, heard shots, stepped to the door, and saw an automobile coming toward him, and that when he got to the sidewalk a man in the automobile 'poked a gun over towards him,' whereupon he 'went back into the poolroom.' About seven months later he identified Sacco as the man for the first time and identified him again at the trial.

Four witnesses, including his employer, squarely contradicted Goodridge's belated identification. Even when completely

disinterested, identification testimony runs all the grave hazards due to the frailties and fallibilities of human observation and memory. But Goodridge's testimony, in addition to everything else, was tainted with self-interest. At the time he was a witness for the Commonwealth, he was facing jail under an indictment for larceny to which he had pleaded guilty. The case 'had been filed,' — that is, no sentence had been imposed, — and Goodridge had been placed on probation. The Judge did not allow the defense to show that Goodridge's testimony on behalf of the Commonwealth was influenced by leniency previously shown to him by the District Attorney in connection with the confessed charge of larceny and by fear of losing his immunity. In the light of settled principles of the law of evidence, this ruling, though later sustained by the Supreme Court of Massachusetts, is indefensible.

II. As to Vanzetti: —

The Commonwealth offered two witnesses who claimed to identify Vanzetti as an occupant of the murder car. Of these one, Dolbeare, claimed to have seen him hours before the murder, leaving only a single individual, LeVangie, who claimed to have seen him on the spot. The Commonwealth sought to piece out the tenuous testimony by the evidence of two other witnesses who claimed to have seen Vanzetti during the day of the murder elsewhere than at Plymouth, but not at South Braintree. One witness, Faulkner, testified to recollecting a fellow passenger on a train going from Cohesett to Boston who got out at East Braintree at 9.54, and identified Vanzetti as that passenger. The basis of Faulkner's recollection was so frail, and was so fully destroyed by three railroad officials, that further recital of his testimony is superfluous. Finally Reed, a crossing tender, purported to recognize Vanzetti as the man sitting on the front seat of a car which he claimed to identify as the murder car. This was at some distance from Braintree, more than an hour after the murders. Reed's testimony placing Vanzetti on the front seat of the car ran counter to the theory of the Commonwealth that Vanzetti was at the rear. Moreover, Reed testified that 'the

quality of the English [of Vanzetti] was unmistakable and clear,' while at the trial Vanzetti's English was found to be so imperfect that an interpreter had to be employed.

1. Harry E. Dolbeare testified that somewhere between 10 and 12 A.M. he saw a car going past him in South Braintree with five people in it, one of whom he identified as Vanzetti: —

I felt it was a tough-looking bunch. That is the very feeling that came to my mind at the time. . . . I guess that is all. That is all I recall now.

There is nothing other than what he has already given by which he characterizes these men as a tough-looking bunch. He does not know whether the other two men who sat on the back seat had moustaches or beards of any kind. He does not know what kind of a hat or cap the man in the middle, who leaned forward to speak, wore. He does not know whether this man had a cap with a visor projecting out or whether he had on a slouch hat.

2. LeVangie, the gate tender of the New Haven railroad, was on duty at the South Braintree grade crossing on the day of the murder. According to his testimony, the murder car drove up to the crossing just as he was lowering the gate, and a man inside forced him at the point of a revolver to let the car through before the advancing train. LeVangie identified Vanzetti as the man who was driving the car. LeVangie's testimony was discredited by the testimony of McCarthy, a locomotive fireman of the New Haven, who testified that three quarters of an hour after the murders he had the following conversation with LeVangie: —

LeVangie said, 'There was a shooting affair going on.' I says, 'Someone shot?' I says, 'Who?' 'Someone, a fellow got murdered.' I said, 'Who did it?' He said he did not know. He said there was some fellows went by in an automobile and he heard the shots, and he started to put down the gates, and as he started to put them down one of them pointed a gun at him and he left the gates alone and ducked in the shanty. I asked him if he knew them. He said, no, he did not. I asked him if he would know them again if he saw them. He said, 'No.' He said all he could see was the gun and he ducked.

Moreover, LeVangie was discredited by all the other identification witnesses

on both sides, who insisted that the driver of the car was a young, small, light-haired man, whereas Vanzetti was middle-aged, dark, with a black moustache. But, though the District Attorney had to repudiate LeVangie, he characteristically held on to LeVangie's identification. The following quotation from the District Attorney's summing up reveals the worthlessness of LeVangie's testimony; it throws no less light on the guiding attitude of the prosecution:—

They find fault, gentlemen, with LeVangie. They say that LeVangie is wrong in saying that Vanzetti was driving that car. I agree with them, gentlemen. I would not be trying to do justice to these defendants if I pretended that personally so far as you are concerned about my personal belief on that, that Vanzetti drove that car over the crossing. I do not believe any such thing. You must be overwhelmed with the testimony that when the car started it was driven by a light-haired man who showed every indication of being sickly.

We cannot mould the testimony of witnesses, gentlemen. We have got to take them as they testify on their oath, and we put LeVangie on because necessarily he must have been there. He saw something. He described a light-haired man to some of the witnesses. They produced Carter, the first witness they put on, to say that he said the light-haired man—the driver was a light-haired man. That is true. I believe my brothers will agree with me on that proposition, but he saw the face of Vanzetti in that car, and is his testimony to be rejected if it disagrees with everybody else if you are satisfied he honestly meant to tell the truth?

And can't you reconcile it with the possibility, no, the likelihood, or, more than that, the probability that at that time Vanzetti was directly behind the driver in the quick glance this man LeVangie had of the car going over when they were going up over the crossing? . . .

Right or wrong, we have to take it as it is. And I agree if it depends on the accuracy of the statement that Vanzetti was driving, then it is n't right, because I would have to reject personally the testimony of witnesses for the defense as well as for the Commonwealth who testified to the contrary. I ask you to find as a matter of common sense he was, in the light of other witnesses, in the car, and if on the left side that he may well have been immediately behind the driver.

In other words, obliged to repudiate the testimony of LeVangie that Vanzetti was on the front seat, the Commonwealth

urged the jury to find that, although LeVangie said Vanzetti was on the front seat, he meant he was on the back seat.

At the time that he urged on the jury this testimony of LeVangie, the District Attorney had held interviews with, and had in his possession written statements of, the only two persons, Kelly and Kennedy, who had an extended opportunity to observe the driver of the car. The detailed description given by them absolutely excluded Vanzetti. The reliability of these observers and of their statements has not been challenged. Yet they were not called by the District Attorney; instead he called LeVangie. Unfortunately the existence of Kelly and Kennedy was until very recently unknown to the defense, and of course, therefore, their testimony was unavailable for Sacco and Vanzetti at the trial.

The alibi for Vanzetti was overwhelming. Thirty-one eyewitnesses testified positively that no one of the men that they saw in the murder car was Vanzetti. Thirteen witnesses either testified directly that Vanzetti was in Plymouth selling fish on the day of the murder or furnished corroboration of such testimony.

What is the worth of identification testimony even when uncontradicted? The identification of strangers is proverbially untrustworthy. The hazards of this type of testimony are established by a formidable number of instances in the records of English and American trials. These instances are recent—not due to the brutalities of ancient criminal procedure.

In the Sacco-Vanzetti case the elements of uncertainty were intensified. All the identifying witnesses were speaking from casual observation of men they had never seen before, men of foreign race, under circumstances of unusual confusion. Thus, one witness, Cole, 'thought at the first glance that the man was a Portuguese fellow named Tony that he knew.' Afterward he was sure it was Vanzetti. Nor can we abstain from comment on the methods pursued by the police in eliciting subsequent identification. The recognized procedure is to line up the suspect with others, and so far as possible with individuals of the same race and class,

so as not to provoke identification through accentuation. In defiance of these necessary safeguards, Sacco and Vanzetti after their arrest were shown singly to persons brought there for the purposes of identification, not as part of a 'parade.' Moreover, Sacco and Vanzetti were not even allowed to be their natural selves; they were compelled to simulate the behavior of the Braintree bandits. Under such conditions identification of foreigners is a farce.

After the conviction Judge Thayer himself abandoned the identification of Sacco and Vanzetti as the ground on which the jury's verdict rested. In denying a motion for a new trial, based on the discovery of a new eyewitness with better opportunities for observation than any of the other witnesses on either side, who, in his affidavit, swore that Sacco was not the man in the car, Judge Thayer ruled that this evidence

would simply mean one more piece of evidence of the same kind and directed to the same end, and in my judgment would have no effect whatever upon the verdicts. These verdicts did not rest, in my judgment, upon the testimony of the eyewitnesses, for the defendants, as it was, called more witnesses than the Commonwealth to testify that neither of the defendants were in the bandit car.

The evidence that convicted these defendants was circumstantial and was evidence that is known in law as 'consciousness of guilt.'

III

'Consciousness of guilt' meant that the conduct of Sacco and Vanzetti after April 15 was the conduct of murderers. This inference of guilt was drawn from their behavior on the night of May 5, before and after arrest, and also from their possession of firearms. It is vital to keep in mind the evidence on which, according to Judge Thayer, these two men are to be sentenced to death. There was no claim whatever at trial, and none has ever been suggested since, that Sacco and Vanzetti had any prior experience in holdups or any previous association with bandits; no claim that the sixteen thousand dollars taken from the victims ever found its way into their pockets; no claim that their financial condition or that of Sacco's family (he had a wife and

child, and another child was soon to be born) was in any way changed after April 15; no claim that after the murder either Sacco or Vanzetti changed his manner of living or employment. Neither of these men had ever been accused of crime before their arrest. Nor did they during the three weeks between the murder and their arrest behave like men who were concealing the crime of murder. They did not go into hiding; they did not abscond with the spoils; they did not live under assumed names. They maintained their old lodgings; they pursued openly their callings within a few miles of the town where they were supposed to have committed murder in broad daylight; and when arrested Sacco was found to have in his pocket an announcement of a forthcoming meeting at which Vanzetti was to speak. Was this the behavior of men eluding identification?

What, then, was the evidence of guilty conduct against them?

I. Sacco and Vanzetti, as we have already explained, were two of four Italians who called for Boda's car at Johnson's garage on the evening of May 5. Mrs. Johnson gave the pretext of having to fetch some milk and went to a neighbor's house to telephone the police. She testified that the two defendants followed her to the house on the opposite side of the street, and when, after telephoning, she reappeared they followed her back. The men then left without taking the car, having been advised by Mr. Johnson not to run it without the current year's number plate.

Q. Now, Boda came there to get his car, did n't he? A. Yes.

Q. There were no 1920 number plates on it? A. No.

Q. You advised him not to take the car and run it without the 1920 number plates, did n't you? A. Yes.

Q. And he accepted your view? A. He seemed to.

Q. He seemed to. And after some conversation went away? A. Yes.

This was the whole of the testimony on the strength of which Judge Thayer put the following question to the jury: —

Did the defendants, in company with Orciani and Boda, leave the Johnson house because the

automobile had no 1920 number plate on it, or because they were conscious of or became suspicious of what Mrs. Johnson did in the Bartlett house? If they left because they had no 1920 number plates on the automobile, then you may say there was no consciousness of guilt in consequence of their sudden departure, but if they left because they were consciously guilty of what was being done by Mrs. Johnson in the Bartlett house, then you may say that is evidence tending to prove consciousness of guilt.

2. Following their departure from the Johnson house, Sacco and Vanzetti were arrested by a policeman who boarded their street car as it was coming into Brockton. Three policemen testified as to their behavior after being taken into custody. The following will serve as a sample:—

I told them when we started that the first false move I would put a bullet in them. On the way up to the station Sacco reached his hand to put under his overcoat and I told him to keep his hands outside of his clothes and on his lap.

Q. Will you illustrate to the jury how he placed his hands? A. He was sitting down with his hands that way [indicating], and he moved his hand up to put it in under his overcoat.

Q. At what point? A. Just about the stomach there, across his waistband, and I says to him, 'Have you got a gun there?' He says, 'No.' He says, 'I ain't got no gun.' 'Well,' I says, 'keep your hands outside of your clothes.' We went along a little further and he done the same thing. I gets up on my knees on the front seat and I reaches over and I puts my hand under his coat, but I did not see any gun. 'Now,' I says, 'Mister, if you put your hand in there again, you are going to get into trouble.' He says, 'I don't want no trouble.'

3. In statements made to the District Attorney and to the Chief of Police at the police station after their arrest, both Sacco and Vanzetti lied. By misstatements they tried to conceal their movements on the day of their arrest, the friends they had been to see, the places they had visited. For instance, Vanzetti denied that he knew Boda.

What of this evidence of 'consciousness of guilt'? The testimony of the police that Sacco and Vanzetti were about to draw pistols was emphatically denied by them. These denials, it was urged, were confirmed by the inherent probabilities of the situation. Did Sacco and Vanzetti upon arrest

reveal the qualities of the perpetrators of the Braintree murders? Would the ready and ruthless gunmen at Braintree have surrendered themselves so quietly into custody on a capital charge of which they knew themselves to be guilty? If Sacco and Vanzetti were the holdup men of Braintree, why did they not draw upon their expert skill and attempt to make their escape by scattering shots? But, not being gunmen, why should Sacco and Vanzetti have carried guns? The possession of firearms in this country has not at all the significance that it would have, say, in England. The extensive carrying of guns by people who are not 'gunmen' is a matter of common knowledge. Sacco acquired the habit of carrying a pistol while a night watchman in the shoe factory, because, as his employer testified, 'night watchmen protecting property do have guns.' Vanzetti carried a revolver 'because it was a very bad time, and I like to have a revolver for self-defense.'

Q. How much money did you use to carry around with you? A. When I went to Boston for fish, I can carry eighty, one hundred dollars, one hundred and twenty dollars.

There were many crimes, many holdups, many robberies at that time.

The other evidence from which 'consciousness of guilt' was drawn the two Italians admitted. They acknowledged that they behaved in the way described by Mrs. Johnson; and freely conceded that when questioned at the police station they told lies. What was their explanation of this conduct? To exculpate themselves of the crime of murder they had to disclose elaborately their guilt of radicalism. In order to meet the significance which the prosecution attached to the incidents at the Johnson house and those following, it became necessary for the defendants to advertise to the jury their offensive radicalism, and thereby to excite the deepest prejudices of a Norfolk County jury picked for its respectability and sitting in judgment upon two men of alien blood and abhorrent philosophy.

Innocent men, it is suggested, do not lie when picked up by the police. But Sacco and Vanzetti knew they were not innocent of the charge on which they supposed themselves arrested, and about which the

police interrogated them. For, when apprehended, Sacco and Vanzetti were not confronted with the charge of murder; they were not accused of banditry; they were not given the remotest intimation that the murders of Parmenter and Berardelli were laid at their door. They were told they were arrested as 'suspicious characters,' and the meaning which that carried to their minds was rendered concrete by the questions that were put to them.

Q. Tell us all you recall that Stewart, the chief, asked of you? A. He asked me why we were in Bridgewater, how long I knew Sacco, if I am a radical, if I am an anarchist or Communist, and he asked me if I believe in the government of the United States.

Q. Did either Chief Stewart at the Brockton police station or Mr. Katzmann tell you that you were suspected of robberies and murder? A. No.

Q. Was there any question asked of you or any statement made to you to indicate to you that you were charged with that crime on April 15? A. No.

Q. What did you understand, in view of the questions asked of you, what did you understand you were being detained for at the Brockton police station? A. I understand they arrested me for a political matter. . . .

Q. . . . Why did you feel you were being detained for political opinions? A. Because I was asked if I was a Socialist. I said, 'Well —'

Q. You mean by reason of the questions asked of you? A. Because I was asked if I am a Socialist, if I am I. W. W., if I am a Communist, if I am a Radical, if I am a Black Hand.

Plainly their arrest meant to Sacco and Vanzetti arrest for radicalism.

Boston was one of the worst centres of the lawlessness and hysteria that characterized the campaign of the Department of Justice for the wholesale arrest and deportation of Reds. Its proximity to industrial communities having a large proportion of foreign labor and a history of past industrial conflicts lent to the lawless activities of the government officials the widespread support of influential public opinion. Mr. John F. Moors, himself a banker, has called attention to the fact that 'the hysteria against "the reds" was so great, at the time when these men were convicted, that even the most substantial bankers in this city [Boston] were carried

away to the extent of paying for full-page advertisements about the red peril.' Sacco and Vanzetti were notorious Reds. They were associates of leading radicals; they had for some time been on the list of suspects of the Department of Justice; and they were especially obnoxious because they were draft-dodgers.

The terrorizing methods of the Government had very specific meaning for the two Italians. Two of their friends had already been deported. The arrest of the New York radical Salsedo, and his detention incommunicado by the Department of Justice, had been for some weeks a source of great concern to them. Vanzetti was sent to New York to confer with a committee having charge of the case of Salsedo and other Italian political prisoners. On his return, May 2, he reported to his Boston friends the advice which had been given him: namely, to dispose of their radical literature and thus eliminate the most damaging evidence in the deportation proceedings they feared. The urgency of acting on this advice was intensified by the tragic news of Salsedo's death after Vanzetti's return from New York. Though Salsedo's death was unexplained, to Sacco and Vanzetti it conveyed only one explanation. It was a symbol of their fears and an omen of their own fate.

On the witness stand Sacco and Vanzetti accounted for their movements on April 15. They also accounted for their ambiguous behavior on May 5. Up to the time that Sacco and Vanzetti testified to their radical activities, their pacifism, their flight to Mexico to avoid the draft, the trial was a trial for murder and banditry; with the cross-examination of Sacco and Vanzetti patriotism and radicalism became the dominant emotional issues. Outside the courtroom the Red hysteria was rampant; it was allowed to dominate within. The prosecutor systematically played on the feelings of the jury by exploiting the unpatriotic and despised beliefs of Sacco and Vanzetti, and the judge allowed him thus to divert and pervert the jury's mind.

The opening question in the cross-examination of Vanzetti by the District Attorney discloses a motif that he persistently played upon: —

Q. (by Mr. Katzmann) So you left Plymouth, Mr. Vanzetti, in May, 1917, to dodge the draft, did you? A. Yes, sir.

Q. When this country was at war, you ran away, so you would not have to fight as a soldier? A. Yes.

This method was elaborated when Sacco took the stand: —

Q. (by Mr. Katzmann) Did you say yesterday you love a free country? A. Yes, sir.

Q. Did you love this country in the month of May, 1917? A. I did not say — I don't want to say I did not love this country.

Q. Did you go to Mexico to avoid being a soldier for this country that you loved? A. Yes.

Q. And would it be your idea of showing your love for your wife that, when she needed you, you ran away from her? A. I did not run away from her.

Q. Don't you think going away from your country is a vulgar thing to do when she needs you? A. I don't believe in war.

Q. You don't believe in war? A. No, sir.

Q. Do you think it is a cowardly thing to do what you did? A. No, sir.

Q. Do you think it is a brave thing to do what you did? A. Yes, sir.

Q. Do you think it would be a brave thing to go away from your own wife? A. No.

Q. When she needed you? A. No.

THE COURT. All I ask is this one question, and it will simplify matters very much. Is it your claim that in the collection of the literature and the books and papers that that was done in the interest of the United States?

MR. JEREMIAH McANARNEY. I make no such broad claim as that. . . .

MR. KATZMANN. Well, he [Sacco] stated in his direct examination yesterday that he loved a free country, and I offer it to attack that statement made in his examination by his own counsel.

THE COURT. That is what I supposed, and that is what I supposed that remark meant when it was introduced in this cross-examination, but counsel now say they don't make that claim.

MR. KATZMANN. They say they don't make the claim that gathering up the literature on May 5 at West Bridgewater was for the purpose of helping the country, but that is a different matter, not released [sic] to May 5.

THE COURT. I will let you inquire further first as to what he meant by the expression.

Q. What did you mean when you said yesterday you loved a free country? A. Give me a chance to explain.

Q. I am asking you to explain now. A. When I was in Italy, a boy, I was a Republican, so I always thinking Republican has more chance to

manage education, develop, to build some day his family, to raise the child and education, if you could. But that was my opinion; so when I came to this country I saw there was not what I was thinking before, but there was all the difference, because I been working in Italy not so hard as I been work in this country. I could live free there just as well. Work in the same condition but not so hard, about seven or eight hours a day, better food. I mean genuine. Of course, over here is good food, because it is bigger country, to any those who got money to spend, not for the working and laboring class, and in Italy is more opportunity to laborer to eat vegetable, more fresh, and I came in this country. When I been started work here very hard and been work thirteen years, hard worker, I could not been afford much a family the way I did have the idea before. I could not put any money in the bank; I could no push my boy some to go to school and other things. I teach over here men who is with me. The free idea gives any man a chance to profess his own idea, not the supreme idea, not to give any person, not to be like Spain in position, yes, about twenty centuries ago, but to give a chance to print and education, literature, free speech, that I see it was all wrong. I could see the best men, intelligent, education, they been arrested and sent to prison and died in prison for years and years without getting them out, and Debs, one of the great men in his country, he is in prison, still away in prison, because he is a Socialist. He wanted the laboring class to have better conditions and better living, more education, give a push his son if he could have a chance some day, but they him in prison. Why? Because the capitalist class, they know, they are against that, because the capitalist class, they don't want our child to go to high school or college or Harvard College. There would be no chance, there would not be no — they don't want the working class educationed; they want the working class to be a low all the times, be underfoot, and not to be up with the head. So, sometimes, you see, the Rockefellers, Morgans, they give fifty — I mean they give five hundred thousand dollars to Harvard College, they give a million dollars for another school. Every day say, 'Well, D. Rockefeller is a great man, the best man in the country.' I want to ask him who is going to Harvard College? What benefit the working class they will get by those million dollars they give by Rockefeller, D. Rockefellers. They won't get, the poor class, they won't have no chance to go to Harvard College because men who is getting \$21 a week or \$30 a week, I don't care if he gets \$80 a week, if he gets a family of five children he can't live and send his child and go to Harvard College if he wants to eat everything nature will

give him. If he wants to eat like a cow, and that is the best thing, but I want men to live like men. I like men to get everything that nature will give best, because they belong — we are not the friend of any other place, but we are belong to nations. So that is why my idea has been changed. So that is why I love people who labor and work and see better conditions every day develop, makes no more war. We no want fight by the gun, and we don't want to destroy young men. The mother has been suffering for building the young man. Some day need a little more bread, so when the time the mother get some bread or profit out of that boy, the Rockefeller, Morgans, and some of the peoples, high class, they send to war. Why? What is war? The war is not shoots like Abraham Lincoln's and Abe Jefferson, to fight for the free country, for the better education to give chance to any other peoples, not the white people but the black and the others, because they believe and know they are mens like the rest, but they are war for the great millionaire. No war for the civilization of men. They are war for business, million dollars come on the side. What right we have to kill each other? I been work for the Irish. I have been working with the German fellow, with the French, many other peoples. I love them people just as I could love my wife, and my people for that did receive me. Why should I go kill them men? What he done to me? He never done anything, so I don't believe in no war. I want to destroy those guns. All I can say, the Government put the literature, give us educations. I remember in Italy, a long time ago, about sixty years ago, I should say, yes, about sixty years ago, the Government they could not control very much those two — devilment went on, and robbery, so one of the government in the cabinet he says, 'If you want to destroy those devilments, if you want to take off all those criminals, you ought to give a chance to Socialist literature, education of people, emancipation. That is why I destroy governments, boys.' That is why my idea I love Socialists. That is why I like people who want education and living, building, who is good, just as much as they could. That is all.

Q. And that is why you love the United States of America? A. Yes.

Q. She is back more than twenty centuries like Spain, is she? A. At the time of the war they do it.

Q. So without the light of knowledge on that subject, you are condemning even Harvard University, are you, as being a place for rich men? . . .

Q. Did you intend to condemn Harvard College? (Objection overruled.) A. No, sir.

Q. Were you ready to say none but the rich

could go there without knowing about offering scholarships? (Objection overruled.)

Q. The question is this: As far as you understood Fruzetti's views, were yours the same? (Objection overruled.)

Q. Answer, please. A. (through the interpreter) I cannot say yes or no.

Q. Is it because you can't or because you don't want to? A. (through the interpreter) Because it is a very delicate question.

Q. It is very delicate, is n't it, because he was deported for his views?

Q. Do you know why Fruzetti was deported? A. (through the interpreter) Yes.

Q. Was it because he was of anarchistic opinions?

THE INTERPRETER. He says he understands it now.

Q. Was it because Fruzetti entertained anarchistic opinions? A. One reason, he was an anarchist. Another reason, Fruzetti been writing all the time on the newspapers, and I am not sure why the reason he been deported.

Q. And the books which you intended to collect were books relating to anarchy, were n't they? A. Not all of them.

Q. How many of them? A. Well, all together. We are Socialists, democratic, any other socialistic information, Socialists, Syndicalists, Anarchists, any paper.

Q. Bolshevist? A. I do not know what Bolshevism means.

Q. Soviet? A. I do not know what Soviet means.

Q. Communism? A. Yes. I got some on astronomy, too.

Q. You were n't going to destroy them? A. I was going to keep them.

Q. You were going to keep them and when the time was over, you were going to bring them out again, were n't you? A. Yes.

In the Anglo-American system of criminal procedure the rôle of a public prosecutor is very different from that of an advocate in a private cause. In the words of a leading New York case:—

Language which might be permitted to counsel in summing up a civil action cannot with propriety be used by a public prosecutor, who is a *quasi-judicial* officer, representing the people of the state, and presumed to act impartially in the interest only of justice. If he lays aside the impartiality that should characterize his official action to become a heated partisan, and by vituperation of the prisoner and appeals to prejudice seeks to procure a conviction at all hazards, he ceases to properly represent the public interest, which demands no victim, and asks no

conviction through the aid of passion, sympathy, or resentment.

In 1921 the temper of the times made it the special duty of a prosecutor and a court engaged in trying two Italian radicals before a jury of native New Englanders to keep the instruments of justice free from the infection of passion or prejudice. In the case of Sacco and Vanzetti no such restraints were respected. By systematic exploitation of the defendants' alien blood, their imperfect knowledge of English, their unpopular social views, and their opposition to the war, the District Attorney invoked against them a riot of political passion and patriotic sentiment; and the trial judge connived at — one had almost written, coöperated in — the process. To quote the argument of Mr. William G. Thompson: —

The persistent attempt of the Court in the presence of the jury to suggest that the defendants were claiming that the suppression of the Socialist literature was 'in the interest of the United States,' to which exception was taken, was even more objectionable and prejudicial. It seems incredible that the Court could have believed from any testimony that had been given by Vanzetti or Sacco that their purpose in collecting and suppressing the Socialist literature had anything to do with the interest of the United States. *If anything had been made plain, it was that they were actuated by personal fear of sharing the fate of Salsedo, not merely deportation, but death by violence while awaiting deportation.* Yet the Court eight times, in the face of as many explicit disclaimers from Mr. McAnarney, suggested that that was the defendants' claim. Had that claim been made it would, of course, have been the grossest hypocrisy, and might well have sealed the fate of both defendants with the jury. The repeated suggestion of the Court in the presence of the jury that that was the claim amounted to a violation by the Court of the defendants' elementary constitutional right to a fair and impartial trial. It was not cured by the Court's disclaimer made immediately after the exception was taken to the effect that he did not intend 'to prejudice the rights of either of these defendants.' Whatever the Court intended, he had fatally prejudiced their right to a fair trial, and no general disclaimer could undo the harm.

That the real purpose of this line of the prosecutor's cross-examination was to inflame the jury's passions is suggested by

the professed ground on which, with the Court's sanction, it was conducted. The Commonwealth claimed that the alleged anxiety of Sacco and Vanzetti on the evening of their arrest and the lies they told could be explained only by the fact that they were the murderers of Parmenter and Berardelli. The defense replied that their conduct was clearly accounted for by the fact that the men were Reds in terror of the Department of Justice. To test the credibility of this answer the District Attorney proposed to examine Sacco and Vanzetti to find out whether they were really radicals or only pretending to be. In effect the Commonwealth undertook to show that the defendants were impostors, that they were spurious Reds. This it made not the least attempt to do. It never disputed their radicalism. Instead of undermining the claim of the defendants by which their conduct was explained, the District Attorney adopted their confession of radicalism, exaggerated and exploited it. He thereby wholly destroyed the basis of his original claim, for what reason was there any longer to suppose that the 'consciousness of guilt' was consciousness of murder rather than of radicalism?

IV

The deliberate effort to excite the emotions of jurors still in the grip of war fever is not unparalleled in the legal history of the times. During the year 1918-19 in the United States, forty-four convictions were reversed by appellate courts for misconduct of the trial judge or the public prosecutor; thirty-three of them for inflammatory appeals made by the district attorney on matters not properly before the jury. Appellate courts interfere reluctantly in such cases and only where there has been a flagrant abuse, so that we may safely assume the above figures indicate an even more widespread evil. What is unparalleled is that such an abuse should have succeeded in a Massachusetts court.

As things were, what wonder the jury convicted? The last words left with them by Mr. Katzmänn were an appeal to their solidarity against the alien: 'Gentlemen of the jury, do your duty. Do it like men.

Stand together, you men of Norfolk.' The first words of Judge Thayer's charge revived their memories of the war and sharpened their indignation against the two draft-dodgers whose fate lay in their hands: 'The Commonwealth of Massachusetts called upon you to render a most important service. Although you knew that such service would be arduous, painful, and tiresome, yet you, like the true soldier, responded to that call in the spirit of supreme American loyalty. There is no better word in the English language than "loyalty." It had been to the accompaniment of this same war motif that the jurors were first initiated into the case; by the license allowed to the prosecution it had remained continuously in their ears throughout the trial; and now by the final and authoritative voice of the Court it was a soldier's loyalty which was made the measure of their duty.

The function of a judge's charge is to enable the jury to find its way through the maze of conflicting testimony, to sift the relevant from the irrelevant, to weigh wisely, and to judge dispassionately. A trial judge is not expected to rehearse all the testimony; in Massachusetts he is not allowed to express his own opinion on it. But in drawing the disconnected threads of evidence and marshaling the claims on both sides he must exercise a scrupulous regard for relevance and proportion. Misplaced emphasis here and omission there may work more damage than any outspoken comment. By his summing up a judge reveals his estimate of relative importance. Judge Thayer's charge directs the emotions only too clearly. What guidance does he give to the mind? The charge occupies twenty-four pages; of these, fourteen are consumed in abstract legal generalities and moral exhortations. Having allowed the minds of the jurors to be impregnated with war feeling, Judge Thayer now invited them to breathe 'a purer atmosphere of unyielding impartiality and absolute fairness.' Unfortunately the passion and prejudice instilled during the course of a long trial cannot be exorcised by the general, placid language of a charge after the mischief is done. Every experienced lawyer knows that it is idle to ask jurors to dismiss from their memory what has been deposited in their feelings.

In this case the vital issue was identification. That the whole mass of conflicting identification testimony is dismissed in two pages out of twenty-four is a fair measure of the distorted perspective in which the Judge placed the case. He dealt with identification in abstract terms and without mentioning the name of any witness on either side. The alibi testimony he likewise dismissed in two paragraphs, again without reference to specific witnesses. In striking contrast to this sterile treatment of the issue whether or not Sacco and Vanzetti were in South Braintree on April 15 was his concrete and elaborate treatment of the inferences which might be drawn from the character of their conduct on the night of their arrest. Five pages of the charge are given over to 'consciousness of guilt,' set forth in great detail and with specific mention of the testimony given by the various police officials and by Mr. and Mrs. Johnson. The disproportionate consideration which Judge Thayer gave to this issue, in the light of his comments during the trial, must have left the impression that the case turned on 'consciousness of guilt.' As we have seen, Judge Thayer himself did in fact so interpret the jury's verdict afterward.

As to motive, the Court expatiated for more than a page on his legal conception and the undisputed claim of the Commonwealth that the motive of the murder of Parmenter and Berardelli was robbery, but made no comment whatever on the complete failure of the Commonwealth to trace any of the stolen money to either defendant or to connect them with the art of robbery. Undoubtedly, great weight must have been attached by the jury, as it was by the Court, to the identification of the fatal bullet taken from Berardelli's body as having passed through Sacco's pistol. The Court instructed the jury that Captain Proctor and another expert had testified that 'it was his [Sacco's] pistol that fired the bullet that caused the death of Berardelli,' when in fact that was not Captain Proctor's testimony. Of course, if the jury believed Proctor's testimony as interpreted by Judge Thayer, Sacco certainly was doomed. In view of the temper of the times, the nature of the accusation, the opinions of the accused, the tactics of the prosecution, and the

conduct of the Judge, no wonder the 'men of Norfolk' convicted Sacco and Vanzetti!

Hitherto the methods pursued by the prosecution, which explain the convictions, rested on inferences; however compelling. But recently facts have been disclosed, and not denied by the prosecution, to indicate that the case against these Italians for murder was part of a collusive effort between the District Attorney and agents of the Department of Justice to rid the country of Sacco and Vanzetti because of their Red activities. In proof of this we have the affidavits of two former officers of the Government, one of whom served as post-office inspector for twenty-five years, and both of whom are now in honorable civil employment. Sacco's and Vanzetti's names were on the files of the Department of Justice 'as radicals to be watched'; the Department was eager for their deportation, but had not evidence enough to secure it; and inasmuch as the United States District Court for Massachusetts had checked abuses in deportation proceedings, the Department had become chary of resorting to deportation without adequate legal basis. The arrest of Sacco and Vanzetti, on the mistaken theory of Chief Stewart, furnished the agents of the Department their opportunity. Although the opinion of the agents working on the case was that 'the South Braintree crime was the work of professionals,' and that Sacco and Vanzetti, 'although anarchists and agitators, were not highway robbers, and had nothing to do with the South Braintree crime,' yet they collaborated with the District Attorney in the prosecution of Sacco and Vanzetti for murder. For 'it was the opinion of the Department agents here that a conviction of Sacco and Vanzetti for murder would be one way of disposing of these two men.' Here, to be sure, is a startling allegation. But it is made by a man of long years of important service in the Government's employ. It is supported by the now admitted installation of a government spy in a cell adjoining Sacco's with a view to 'obtaining whatever incriminating evidence he could . . . after winning his confidence'; by the insinuation of an 'under-cover man' into the councils of the Sacco-Vanzetti Defense Committee; by the proposed place-

ment of another spy as a lodger in Mrs. Sacco's house; and by the supplying of information about the radical activities of Sacco and Vanzetti to the District Attorney by the agents of the Department of Justice.

These joint labors between Boston agents of the Department of Justice and the District Attorney led to a great deal of correspondence between the agent in charge and the District Attorney and to reports between the agents of the Department and Washington. These records have not been made available, nor has their absence been accounted for. An appeal to Attorney-General Sargent proved fruitless, although supported by Senator Butler of Massachusetts, requesting that Mr. West, the then agent in charge, 'be authorized to talk with counsel for Sacco and Vanzetti and to disclose whatever documents and correspondence are on file in his office dealing with the investigation made by the Boston agents before, during, and after the trial of Sacco and Vanzetti.' The facts upon which this appeal was made stand uncontradicted. West made no denial whatever and the District Attorney only emphasized his failure to deny the facts charged by the two former agents of the Department of Justice by an affidavit confined to a denial of some of the statements of a former government spy. The charge that the principal agent of the Department of Justice in Boston and the District Attorney collaborated to secure the conviction of Sacco and Vanzetti is denied neither by the agent nor by the District Attorney. Chief Stewart of Bridgewater takes it upon himself to say that the officials of the Department 'had nothing whatsoever to do with the preparation of this case for trial.' Instead of making a full disclosure of the facts, the representative of the Commonwealth indulged in vituperation against the former officers of the Department of Justice as men who were guilty of 'a breach of loyalty' because they violated the watchword of the Department of Justice, 'Do not betray the secrets of your departments.' To which Mr. Thompson rightly replies, 'What are the secrets which they admit? . . . A government which has come to value its own secrets more than it does the lives of its citizens has become a tyranny. . . .

Secrets, secrets! And he says you should abstain from touching this verdict of your jury because it is so sacred. Would they not have liked to know something about the secrets? The case is admitted by that inadvertent concession. There are, then, secrets to be admitted.' Yet Judge Thayer found in these circumstances only opportunity to make innuendo against a former official of the Government well known for his long and honorable service, and an elaborate denial of a claim that was never made. Not less than twelve times Judge Thayer ridicules the charge of a conspiracy between 'these two great Governments — that of the United States and the Commonwealth of Massachusetts'. He indulges in much patriotic protestation, but is wholly silent about the specific acts of wrongdoing and lawlessness connected with the Red raids of 1920. The historian who relied on this opinion would have to assume that the charge of lawlessness and misconduct in the deportations of outlawed radicals was the traitorous invention of a diseased mind.

V

The verdict of guilty was brought in on July 14, 1921. The exceptions which had been taken to rulings at the trial were made the basis of an application for a new trial, which Judge Thayer refused. Subsequently a great mass of new evidence was unearthed by the defense, and made the subject of other motions for a new trial, all heard before Judge Thayer and all denied by him. The hearing on the later motions took place on October 1, 1923, and was the occasion of the entry into the case of Mr. William G. Thompson, a powerful advocate bred in the traditions of the Massachusetts courts. The espousal of the Sacco-Vanzetti cause by a man of Mr. Thompson's professional prestige at once gave it a new complexion and has been its mainstay ever since. For he has brought to the case, not only his great ability as a lawyer, but the strength of his conviction that these two men are innocent and that their trial was not characterized by those high standards which are the pride of Massachusetts justice.

We have now reached a stage of the case

the details of which shake one's confidence in the whole course of the proceedings and reveal a situation which undermines the respect usually to be accorded to a jury's verdict. By prearrangement the prosecution brought before the jury a piece of evidence apparently most damaging to the defendants, when in fact the full truth concerning this evidence was very favorable to them. Vital to the identification of Sacco and Vanzetti as the murderers was the identification of one of the fatal bullets as a bullet coming from Sacco's pistol. The evidence excluded the possibility that five other bullets found in the dead bodies were fired by either Sacco or Vanzetti. When Judge Thayer placed the case in the jury's hands for judgment he charged them that the Commonwealth had introduced the testimony of two experts, Proctor and Van Amburgh, to the effect that the fatal bullet went through Sacco's pistol.

Such was not the belief of Proctor; he refused to accede to this view in the course of the preparation of the case, and the District Attorney knew that such was not intended to be his testimony. These startling statements call for detailed proof.

Proctor at the time of his testimony was head of the state police and had been in the Department of Public Safety for twenty-three years. On the witness stand he was qualified at length as an expert who had for twenty years been making examination of, and experiments with, bullets and revolvers and had testified in over a hundred capital cases. His testimony was thus offered by the State as entitled to the greatest weight. If the jury could be convinced that the bullet found in Berardelli's body came out of Sacco's pistol, the State's case was invincible. On this crucial issue Captain Proctor testified as follows at the trial: —

Q. Have you an opinion as to whether bullet Number 3 (Exhibit 18) was fired from the Colt automatic, which is in evidence? A. I have.

Q. And what is your opinion? A. My opinion is that it is consistent with being fired from that pistol.

The Government placed chief reliance on his expert testimony. In his closing argument the District Attorney told the jury, 'You might disregard all the identification

testimony, and base your verdict on the testimony of these experts.' It weighed heavily in the Court's charge. In simple English he interpreted the evidence to mean that

it was his [Sacco's] pistol that fired the bullet that caused the death of Berardelli. To this effect the Commonwealth introduced the testimony of two witnesses, Messrs. Proctor and Van Amburgh.

Naturally the Court's interpretation became the jury's. By their silence the District Attorney and the counsel for the defense acquiesced in the Court's interpretation, showing that counsel for both sides apparently attached the same meaning to this testimony. After the conviction Proctor in an affidavit swore to the following account of his true views and the manner in which they were phrased for purposes of the trial. After giving his experience and the fact that he had had the custody of the bullets, cartridges, shells, and pistols in the case, he swore that one of the bullets

was, as I then testified and still believe, fired from a Colt automatic pistol of 32 calibre. During the preparation for the trial, my attention was repeatedly called by the District Attorney and his assistants to the question: whether I could find any evidence which would justify the opinion that the particular bullet taken from the body of Berardelli, which came from a Colt automatic pistol, came from the particular Colt automatic pistol taken from Sacco. I used every means available to me for forming an opinion on this subject. I conducted, with Captain Van Amburgh, certain tests at Lowell, about which I testified, consisting in firing certain cartridges through Sacco's pistol. At no time was I able to find any evidence whatever which tended to convince me that the particular model bullet found in Berardelli's body, which came from a Colt automatic pistol, which I think was numbered 3 and had some other exhibit number, came from Sacco's pistol, and I so informed the District Attorney and his assistant before the trial. This bullet was what is commonly called a full metal-patch bullet and although I repeatedly talked over with Captain Van Amburgh the scratch or scratches which he claimed tended to identify this bullet as one that must have gone through Sacco's pistol, his statements concerning the identifying marks seemed to me entirely unconvincing.

At the trial, the District Attorney did not ask me whether I had found any evidence that the

so-called mortal bullet which I have referred to as Number 3 passed through Sacco's pistol, nor was I asked that question on cross-examination. The District Attorney desired to ask me that question, but I had repeatedly told him that if he did I should be obliged to answer in the negative; consequently, he put to me this question: Q. Have you an opinion as to whether bullet Number 3 was fired from the Colt automatic which is in evidence? To which I answered, 'I have.' He then proceeded. Q. And what is your opinion? A. My opinion is that it is consistent with being fired by that pistol.

He proceeded to state that he is still of the same opinion: —

But I do not intend by that answer to imply that I had found any evidence that the so-called mortal bullet had passed through this particular Colt automatic pistol and the District Attorney well knew that I did not so intend and framed his question accordingly. Had I been asked the direct question: whether I had found any affirmative evidence whatever that this so-called mortal bullet had passed through this particular Sacco's pistol, I should have answered then, as I do now without hesitation, in the negative.

This affidavit of Proctor was made the basis of Mr. Thompson's motion for a new trial before Judge Thayer. Here was a charge going to the vitals of the case, made by a high official of the police agencies of the state. How did the District Attorney meet it? Mr. Katzmann and his assistant, Mr. Williams, filed affidavits in reply. Did they contradict Proctor? They could not deny his testimony or the weight that the prosecution and the Court had attached to it. These were matters of record. Did they deny the prearrangement which he charged? Did they deny that he told them he was unable to identify the mortal bullet as Sacco's bullet?

Katzmann's affidavit stated that

prior to his testifying, Captain Proctor told me that he was prepared to testify that the mortal bullet was consistent with having been fired from the Sacco pistol; that I did not *repeatedly* ask him whether he had found any evidence that the mortal bullet had passed through the Sacco pistol, nor did he *repeatedly* tell me that if I did ask him that question he would be obliged to reply in the negative. [Italics ours]

Williams's affidavit, after setting forth that Captain Proctor told him before the

trial that comparisons of the mortal bullet with bullets 'pushed by him through various types of pistols' showed that 'the mortal bullet had been fired in a Colt automatic pistol,' proceeded: —

He said that all he could do was to determine the width of the landmarks upon the bullet. His attention was not *repeatedly* called to the question, whether he could find any evidence which would justify the opinion that this bullet came from the Sacco pistol. I conducted the direct examination of Captain Proctor at the trial and asked him the question quoted in his affidavit, 'Have you an opinion as to whether bullet Number 3 was fired from the Colt automatic which is in evidence?'

This question was suggested by Captain Proctor himself as best calculated to give him an opportunity to tell what opinion he had respecting the mortal bullet and its connection with the Sacco pistol. His answer in court was the same answer he had given me personally before.

Proctor's disclosures remain uncontradicted: he was unable to identify the murder bullet as Sacco's bullet; he told Katzmann and Williams that he was unable to do it; he told them if he were asked the question on the witness stand he would have to testify that he could not make the identification; a form of words was therefore found by which, without committing perjury, he could convey the impression that he had testified to the identification. The only contradiction by Katzmann and Williams of Proctor's account affects the number of times that he told them that he was unable to make the identification, he having sworn that he told them 'repeatedly' and they denying that he told them 'repeatedly.' Yet Judge Thayer found no warrant in the Proctor incident for directing a new trial. And why?

The Judge quotes the Proctor questions and answers and argues that the questions were clear and must have been perfectly understood by Captain Proctor. Of course the questions were clear and clearly understood by Proctor. The whole meaning of Captain Proctor's affidavit was that the questions and answers were prearranged and that by this prearrangement court and jury were misled with terrible harm to the defendants.

The Judge is extraordinarily versatile in

misinterpreting the true purport of the Proctor affidavit. Thus he seriously asks why, if Captain Proctor at the trial was 'desirous of expressing his true opinion,' he used the phrase 'consistent with,' language selected by himself. The crux of the matter is that Captain Proctor at the trial was not 'desirous of expressing his true opinion,' that the District Attorney was very desirous that he should not do so, and that between them they agreed on a form of words to avoid it.

The Judge next attempts to belittle the weight of Proctor's testimony two years after he was offered by the Commonwealth with elaborate reliance as a most important expert. We must dwell on one amazing statement of the Court. 'With his limited knowledge,' says Judge Thayer, 'Captain Proctor did not testify that the mortal bullet did pass through Sacco's pistol, but that from his examination of the facts it was simply consistent with it.' Why did not Judge Thayer say this to the jury when he charged them with determining the guilt or innocence of Sacco? Why did the Judge charge the jury that Captain Proctor *did* testify that the mortal bullet passed through Sacco's pistol? And why, having in October 1924, for the purpose of denying the Proctor motion, minimized the Proctor testimony by saying that Proctor testified that the passing of the mortal bullet through Sacco's pistol was 'simply consistent with' the facts, does he two years later, in order to show how strong the case was at the original trial, state that the 'experts testified in their judgment it [the mortal bullet] was *perfectly* consistent with' having been fired through the Sacco pistol? In charging the jury Judge Thayer misled them by maximizing the Proctor testimony as the prearrangement intended that it should be maximized. When the prearrangement was discovered and made the basis of a motion for a new trial, Judge Thayer depreciated Proctor's qualifications as an expert and minimized Proctor's actual testimony. Finally, when confronted with new evidence pointing seriously to guilt for the Berardelli murder, not only away from Sacco and Vanzetti, but positively in another direction, in order to give the appearance of impressiveness to the facts before the jury

Judge Thayer again relies upon the weightiness of Proctor's expert testimony and maximizes Proctor's evidence at the trial, but not to the extent that he did in charging the jury because Proctor's affidavit now prevents him from doing so!

This is the attitude of mind which has guided the conduct of this case from the beginning; this is the judge who has for all practical purposes sat in judgment upon his own conduct.

English criminal justice is constantly held up to us, and rightly so, as an example. One ventures confidently to say that conduct like that revealed by the Proctor incident is inconceivable in an English prosecution. But if it did take place, there is no possible doubt that the corrective resources of the English courts would not allow a verdict secured by such means to stand. Such behavior surely violates the standards which the Massachusetts Supreme Judicial Court has laid down for district attorneys:—

The powers of a district attorney under our laws are very extensive. They affect to a high degree the liberty of the individual, the good order of society, and the safety of the community. His natural influence with the grand jury, and the confidence commonly reposed in his recommendations by judges, afford to the unscrupulous, the weak or the wicked incumbent of the office vast opportunity to oppress the innocent and to shield the guilty, to trouble his enemies and to protect his friends, and to make the interest of the public subservient to his personal desires, his individual ambitions, and his private advantage. . . . Powers so great impose responsibilities correspondingly grave. They demand character incorruptible, reputation unsullied, a high standard of professional ethics, and sound judgment of no mean order.

If the Proctor situation does not come within the condemnation of these requirements, language certainly has strange meaning. Yet the Massachusetts Supreme Court held that Judge Thayer's decision could not 'as a matter of law' be reversed.

VI

On May 12, 1926, the Supreme Court of Massachusetts found 'no error' in any of the rulings of Judge Thayer. The guilt or innocence of the defendants was not retried

in the Supreme Court. That court could not inquire whether the facts as set forth in the printed record justified the verdict. Such would have been the scope of judicial review had the case come before the New York Court of Appeals or the English Court of Criminal Appeal. In those jurisdictions a judgment upon the facts as well as upon the law is open, and their courts decide whether convictions should stand in view of the whole record. A much more limited scope in reviewing convictions prevails in Massachusetts. What is reviewed in effect is the conduct of the trial judge; only so-called questions of law are open.

The merits of the legal questions raised by the exceptions cannot be discussed here. Suffice it to say, with deference, that some of the Supreme Court rulings are puzzling in the extreme. One question of law, however, can be explained within small compass, and that is the question which is the crux of the case: Did Judge Thayer observe the standards of Anglo-American justice? In legal parlance, was there abuse of 'judicial discretion' by Judge Thayer? What, then, is 'judicial discretion'? Is it a legal abracadabra, or does it imply standards of conduct within the comprehension of the laity in whose interests they are enforced? The present Chief Justice of Massachusetts has given an authoritative definition:—

Discretion in this connection means a sound judicial discretion, enlightened by intelligence and learning, controlled by sound principles of law, of firm courage combined with the calmness of a cool mind, free from partiality, not swayed by sympathy nor warped by prejudice nor moved by any kind of influence save alone the overwhelming passion to do that which is just. It may be assumed that conduct manifesting abuse of judicial discretion will be reviewed and some relief afforded.

This is the test by which Judge Thayer's conduct must be measured. The Supreme Court found no abuse of judicial discretion on the record presented at the first hearing before it. In other words, the Court was satisfied that throughout the conduct of the trial and the proceedings that followed it Judge Thayer was governed by 'the calm-

ness of a cool mind, free from partiality, not swayed by sympathy nor warped by prejudice nor moved by any kind of influence save alone the overwhelming passion to do that which is just.'

The reader has now had placed before him fairly, it is hoped, however briefly, the means of forming a judgment. Let him judge for himself!

VII

Hitherto the defense has maintained that the circumstances of the case all pointed away from Sacco and Vanzetti. But the deaths of Parmenter and Berardelli have remained unexplained. Now the defense has adduced new proof, not only that Sacco and Vanzetti did *not* commit the murders, but also, positively, that a well-known gang of professional criminals *did* commit them. Hitherto a new trial has been pressed because of the character of the original trial. Now a new trial has been demanded because an impressive body of evidence tends to establish the guilt of others.

Celestino F. Madeiros, a young Portuguese with a bad criminal record, was in 1925 confined in the same prison with Sacco. On November 18, while his appeal from a conviction of murder committed in an attempt at bank robbery was pending in the Supreme Court, he sent to Sacco through a jail messenger the following note:—

I hear by confess to being in the South Braintree shoe company crime and Sacco and Vanzetti was not in said crime.

CELESTINO F. MADEIROS

The confession of a criminal assuming guilt for a crime laid at another's door is always suspect and rightly so. But, as we cannot too strongly insist, the new evidence is not *contained* in the Madeiros confession. His note to Sacco was only the starting point which enabled the defense to weave the network of independent evidence implicating the Morelli gang of Providence.

As soon as Sacco's counsel was apprized of this note he began a searching investigation of Madeiros's claim. It then appeared that Madeiros had tried several times previously to tell Sacco that he knew the real

perpetrators of the Braintree job, but Sacco, fearing he was a spy, had disregarded what he said. An interview with Madeiros revealed such circumstantiality of detail that an examination of Madeiros, both by the defense and by the Commonwealth, was plainly called for. The various affidavits given by Madeiros and the deposition of one hundred pages, in which he was cross-examined by the District Attorney, tell the following story.

In 1920 Madeiros, then eighteen years old, was living in Providence. He already had a criminal record and was associated with a gang of Italians engaged in robbing freight cars. One evening, when they were talking together in a saloon in Providence, some members of the gang invited him to join them in a pay-roll robbery at South Braintree. A holdup was a new form of criminal enterprise for him, but they told him 'they had done lots of jobs of this kind' and persuaded him to come along. As an eighteen-year-old novice he was to be given only a subordinate part. He was to sit in the back of a car with a revolver and 'help hold back the crowd in case they made a rush.' Accordingly a few days later, on April 15, 1920, the plan was carried into execution. In the party, besides Madeiros, were three Italians and a 'kind of a slim fellow with light hair,' who drove the car. In order to prevent identification they adopted the familiar device of using two cars. They started out in a Hudson, driving to some woods near Randolph. They then exchanged the Hudson for a Buick brought them by another member of the gang. In the Buick they proceeded to South Braintree, arriving there about noon. When the time came the actual shooting was done by the oldest of the Italians, a man about forty, and one other. The rest of the party remained near by in the automobile. As the crime was being committed they drove up, took aboard the murderers and the money, and made off. They drove back to the Randolph woods, exchanged the Buick again for the Hudson, and returned to Providence. The arrangement was that Madeiros should meet the others in a saloon at Providence the following night to divide the spoils. Whether this arrangement was kept and whether he got any of

the Braintree loot Madeiros persistently refused to say.

This refusal was in pursuance of Madeiros's avowed policy. From the outset he announced his determination not to reveal the identity of his associates in the Braintree job, while holding back nothing which seemed to implicate himself alone. To shield them he obstinately declined to answer questions and, if necessary, frankly resorted to lies. Thus, examination could not extort from him the surnames of the gang, and he further sought to cover up their identity by giving some of them false Christian names. Madeiros showed considerable astuteness in evading what he wanted to conceal. But in undertaking to tell the story of the crime without revealing the criminals he set himself an impossible task. In spite of his efforts, a lawyer as resourceful as Mr. Thompson was able to elicit facts which, when followed up, established the identity of the gang and also strongly corroborated the story of Madeiros.

Madeiros said that the gang 'had been engaged in robbing freight cars in Providence.' Was there such a gang? There was the Morelli gang, well known to the police of Providence and New Bedford as professional criminals, several of whom at the time of the Braintree murders were actually under indictment in the United States District Court for Rhode Island for stealing from freight cars. Five out of nine indictments charging shoe thefts were for stealing consignments from *Slater and Morrill at South Braintree* and from Rice and Hutchins, the factory next door. In view of their method of operations, the gang must have had a confederate at South Braintree to spot shipments for them. The Slater and Morrill factory was about one hundred yards from the South Braintree railroad station and an accomplice spotting shipments would be passed by the paymaster on his weekly trip. It will be recalled that the pay roll was that of the Slater and Morrill factory and that the murder and the robbery occurred in front of these two factories. The Morellis under indictment were out of jail awaiting trial. They needed money for their defense; their only source of income was crime. They were at large until

May 25, when they were convicted and sent to Atlanta.

Madeiros did not name the gang, but described the men who were with him at South Braintree. How did his descriptions fit the Morelli gang? The leader of the gang was Joe, aged thirty-nine. His brothers were Mike, Patsy, Butsy, and Fred. Other members were Bibba Barone, Gyp the Blood, Mancini, and Steve the Pole. Bibba Barone and Fred Morelli were in jail on April 15, 1920. According to Madeiros there were five, including himself, in the murder car, three of whom were Italians, and the driver 'Polish or Finland or something northern Europe.' The shooting was done by the oldest of the Italians, a man of about forty, and another called Bill. A fourth Italian brought up the Buick car for exchange at Randolph. As far as his descriptions carry, Madeiros's party fits the members of the Morelli gang. But the testimony of independent witnesses corroborates Madeiros and makes the identification decisive. One of the gravest difficulties of the prosecution's case against Sacco and Vanzetti was the collapse of the Government's attempt to identify the driver of the murder car as Vanzetti. The District Attorney told the jury that 'they must be overwhelmed with the testimony that when the car started it was driven by a light-haired man, who gave every appearance of being sickly.' Steve the Pole satisfies Madeiros's description of the driver as well as the testimony at the trial. To set the matter beyond a doubt, two women who were working in the Slater and Morrill factory identified Steve the Pole as the man they saw standing for half an hour by a car outside their window on that day. Two witnesses who testified at the trial identified Joe Morelli as one of the men who did the shooting and another identified Mancini. The Morellis were American-born, which will explain the testimony at the trial that one of the bandits spoke clear and unmistakable English, a thing impossible to Sacco and Vanzetti.

Plainly the personnel of the Morelli gang fits the Braintree crime. What of other details? The mortal bullet came out of a 32 Colt; Joe Morelli had a 32 Colt at this time. Mancini's pistol was of a type and

calibre to account for the other five bullets found in the victims. The 'murder car' at the trial was a Buick. Madeiros said a Buick was used; and Mike Morelli, according to the New Bedford police, at this time was driving a Buick, which disappeared immediately after April 15, 1920. In fact, the police of New Bedford, where the Morelli gang had been operating, suspected them of the Braintree crime, but dropped the matter after the arrest of Sacco and Vanzetti. Shortly after the Braintree job, Madeiros was imprisoned for five months for larceny of an amount less than \$100. But immediately after his release he had about \$2800 in bank, which enabled him to go on a pleasure trip to the West and Mexico. *The \$2800 is unaccounted for otherwise than as his share of the Braintree booty.* Joe Morelli, as we know, was sent to Atlanta for his share in the robbery of the Slater and Morrill shoes. While confined he made an arrangement with a fellow prisoner whereby the latter was to furnish him with an alibi, in case of need, for April 15, 1920, placing Morelli in New York.

Even so compressed a précis of the evidence of many witnesses will have made it clear that the defense has built up a powerful case, without the resources at the command of the State in criminal investigations. The witnesses other than Madeiros of themselves afford strong probability of the guilt of the Morellis. What of the intrinsic credibility of Madeiros's confession, which, if believed, settles the matter? A criminal's confession, as we have noted, must be scrutinized with the utmost skepticism. A man who assumes guilt for one crime while about to undergo the penalty of death for another does not carry the least conviction. The circumstances of Madeiros's confession, however, free it from suspicion and furnish assurances of its trustworthiness. Far from having nothing to lose by making the confession, Madeiros stood to jeopardize his life. For while, to be sure, at the time of his confession he was under sentence for another murder, an appeal from this conviction was pending, which was in fact successful in getting him a new trial. Could anything be more prejudicial to an effort to reverse conviction for one crime than to

admit guilt for another? So clearly prejudicial, in fact, was his confession that by arrangement with the District Attorney it was kept secret until after the outcome of his appeal and the new trial which followed it. Moreover, the note of confession sent by Madeiros to Sacco on November 18 was not, as we have seen, his first communication to Sacco. Nor was it his first explicit confession. The murder for which he had been convicted, together with a man named Weeks, — the Wrentham bank crime, — was a holdup like the Braintree job. Weeks, under life sentence in another jail, when questioned revealed that in planning the Wrentham job Madeiros drew on his experience at South Braintree. During their partnership Madeiros had frequently referred to the Braintree job, saying it was arranged by the Morelli gang (whom Weeks knew), and at one time identifying a speak-easy in which they found themselves as the one the gang visited before the Braintree holdup. In planning the Wrentham job Madeiros further told Weeks that he 'had had enough of the Buick in the South Braintree job.' Before the Wrentham crime he had talked to the couple who kept the roadhouse where for a time he was a 'bouncer' of his part in the Braintree crime and said 'that he would like to save Sacco and Vanzetti because he knew they were perfectly innocent.'

These earlier disclosures by Madeiros completely refute the theory that he was led to make his latest confession in 1925 by the hope of getting money. It is suggested that in November 1925 he had seen the financial statement of the Sacco-Vanzetti Defense Committee. But, in the first place there is no proof that Madeiros saw this statement before he made the confession. Secondly, he could not have had knowledge of this statement before he talked to Weeks and the others and when he attempted the prior communications to Sacco, because it was not then in existence. It is incredible that a man fighting for his life on a charge for one murder would, in the hope of getting money, falsely accuse himself of another murder. Madeiros knew the danger of a confession, for his conviction in the Wrentham case largely rested upon confessions made by him. Why

should he be believed and suffer death when he confesses one crime and not be believed when he confesses another of the same character? Is not his own statement in accordance with the motives even of a murderer?

I seen Sacco's wife come up here with the kids and I felt sorry for the kids.

Let us compare the two hypotheses. The Morelli theory accounts for all members of the Braintree murder gang; the Sacco-Vanzetti theory for only two, for it is conceded that, if Madeiros was there, Sacco and Vanzetti were not. The Morelli theory accounts for all the bullets found in the dead men; the Sacco-Vanzetti theory for only one out of six. The Morelli explanation settles the motive, for the Morelli gang were criminals desperately in need of money for legal expenses pending their trial for felonies, whereas the Sacco-Vanzetti theory is unsupported by any motive. Moreover, Madeiros's possession of \$2800 accounts for his share of the booty, whereas not a penny has ever been traced to anybody or accounted for on the Sacco-Vanzetti theory. The Morelli story is not subject to the absurd premise that professional holdup men who stole automobiles at will and who had recently made a haul of nearly \$16,000 would devote an evening, as did Sacco and Vanzetti the night of their arrest, to riding around on suburban street cars to borrow a friend's six-year-old Overland. The character of the Morelli gang fits the opinion of police investigators and the inherent facts of the situation, which tended to prove that the crime was the work of professionals, whereas the past character and record of Sacco and Vanzetti have always made it inherently incredible that they should spontaneously become perpetrators of a bold murder, executed with the utmost expertness. A good mechanic, regularly employed at his trade, but away from work on a particular day which is clearly accounted for, and a dreamy fish peddler, openly engaged in political propaganda, neither do nor can suddenly commit an isolated job of highly professional banditry.

Can the situation be put more conservatively than this? Every reasonable proba-

bility points away from Sacco and Vanzetti; every reasonable probability points toward the Morelli gang.

How did these facts appear to Judge Thayer?

VIII

At the outset the scope of Judge Thayer's duty toward the motion for a new trial based upon this new evidence must be kept in mind. It was not for him to determine the guilt of the Morellis or the innocence of Sacco and Vanzetti; it was not for him to weigh the new evidence as though he were a jury, determining what is true and what is false. Judge Thayer's duty was the very narrow one of ascertaining whether here was new material fit for a new jury's judgment. May honest minds, capable of dealing with evidence, reach a different conclusion, because of the new evidence, from that of the first jury? Do the new facts raise debatable issues? Could another jury, conscious of its oath and conscientiously obedient to it, be sufficiently impressed with the new evidence to reach a verdict contrary to the one that was reached on a record wholly different from the present, in view of evidence recently discovered and not adduceable by the defense at the time of the original trial? To all these questions Judge Thayer says, 'No.' This amazing conclusion he reached after studying the motion 'for several weeks without interruption' and set forth in an opinion of 25,000 words! We wish for nothing more than that every reader who has proceeded thus far should study the full text of this latest Thayer opinion. Space precludes its detailed treatment here. To quote it, to analyze it, adequately to comment upon it would require a book. Having now put the materials for detailed judgment at the disposal of readers, we are compelled to confine ourselves to a few brief observations. By what is left out and by what is put in, the uninformed reader of Judge Thayer's opinion would be wholly misled as to the real facts of the case. Speaking from a considerable experience as a prosecuting officer, whose special task for a time it was to sustain on appeal convictions for the Government, and whose scientific duties since have led to the examination of a great number of records and the opinions based

thereon, I assert with deep regret, but without the slightest fear of disproof, that certainly in modern times Judge Thayer's opinion stands unmatched for discrepancies between what the record discloses and what the opinion conveys. His 25,000-word document cannot accurately be described otherwise than as a farrago of misquotations, misrepresentations, suppressions, and mutilations. The disinterested inquirer could not possibly derive from it a true knowledge of the new evidence that was submitted to him as the basis for a new trial. The opinion is literally honeycombed with demonstrable errors, and a spirit alien to judicial utterance permeates the whole. A study of the opinion in the light of the record led the conservative *Boston Herald*, which long held the view that the sentence against these men should be carried out, to a frank reversal of its position.

Dr. Morton Prince writes that any expert psychologist reading the Thayer opinion 'could not fail to find evidences that portray strong personal feeling, poorly concealed, that should have no place in a judicial document.' One or two illustrations must suffice. William G. Thompson is one of the leaders of the Boston bar. Yet Judge Thayer thus characterized Mr. Thompson's activities in behalf of these two Italians:—

Since the trial before the jury of these cases a new type of disease would seem to have developed. It might be called 'lego-psychic neurosis' or hysteria, which means: 'A belief in the existence of something which in fact and truth has no such existence.'

And this from a judge who gives meretricious authority to his self-justification by speaking of the verdict which convicted these men as 'approved by the Supreme Judicial Court of this Commonwealth.' The Supreme Court never approved the verdict; nor did it pretend to do so. The Supreme Court passed on technical claims of error, and, 'finding no error, the verdicts are to stand.' Judge Thayer knows this, but laymen may not. Yet Judge Thayer refers to the verdict as 'approved by the Supreme Judicial Court.'

No wonder that Judge Thayer's opinion has confirmed old doubts as to the guilt of these two Italians and aroused new anxieties concerning the resources of our law to avoid grave miscarriage of justice. The courageous stand taken by the *Boston Herald* has enlisted the support of some of the most distinguished citizens of Massachusetts. The *Independent* has thus epitomized this demand:—

Because of the increasing doubt that surrounds the question of the guilt of these men, springing from the intrinsic character of Judge Thayer's decision, and instanced by the judgment of the *Herald* editorial writer and other observers whose impartiality is unquestioned, we strongly hope that a new trial will be granted. It is important to note that the appeal is being made on the basis of new evidence never passed on before the Supreme Court.

No narrow, merely technical, question is thus presented. The Supreme Court of Massachusetts will be called upon to search the whole record in order to determine whether Judge Thayer duly observed the traditional standards of fairness and reason which govern the conduct of an Anglo-American judge, particularly in a capital case. This court has given us the requirements by which Judge Thayer's decision is to be measured and the tests which it will use in determining whether a new trial shall be granted:—

The various statements of the extent of the power and of limitations upon the right to grant new trials . . . must yield to the fundamental test, in aid of which most rules have been formulated, that such motions ought not to be granted unless on a survey of the whole case it appears to the judicial conscience and judgment that otherwise a miscarriage of justice will result.

Nor must a new trial be withheld where in justice it is called for because thereby encouragement will be given to improper demands for a new trial. For, as the Chief Justice of Massachusetts has announced, courts cannot close 'their eyes to injustice on account of facility of abuse.'

With these legal canons as a guide, the outcome ought not to be in doubt.